Exhibit P1
Federal

Comment(s)

Response(s)

F1 | **U.S. Environmental Protection Agency**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

MAY 16 2014

Ref: 8EPR-N

Ms. Tamara Gertsch, National Project Manager
Bureau of Land Management
Wyoming State Office
P.O. Box 21550
5353 Yellowstone Road
Cheyenne, WY 82003

Re: Energy Gateway South Transmission Project
Draft Environmental Impact Statement
CEQ # 20140045

Dear Ms. Gertsch:

The U.S. Environmental Protection Agency Region 8 has reviewed the U.S. Bureau of Land Management's (BLM) Draft Environmental Impact Statement (EIS) for the Energy Gateway South Transmission Project (Gateway South) in Wyoming, Utah and Colorado. Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. It is the EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project, which includes a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

Based on the EPA's procedures for evaluating potential environmental impacts on proposed actions and the adequacy of the information present, the EPA is rating the Agency Preferred Alternative an "EC-2" (Environmental Concerns – Insufficient Information). This letter documents the EPA's concerns and recommendations for the Final EIS. A full description of the EPA's rating system can be found at www.epa.gov/compliance/nepa/comments/ratings.html#adequacy.

Project Description

Rocky Mountain Power has requested a right-of-way (ROW) authorization to construct, operate and maintain a 500-kilovolt (kV) single circuit, alternating current transmission line that would extend approximately 400 to 540 miles, depending on the route selected, from south-central Wyoming to central Utah, potentially crossing northwestern Colorado. Project components are: (1) the transmission line; (2) two series compensation stations at two separate points between the Aeolus and Clover substations; (3) communication regeneration stations every 55 miles; (4) the rebuilding of two existing 345-kV transmission lines between the Clover and Mona substations in existing ROW; (5) the rerouting

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F1 **U.S. Environmental Protection Agency (cont.)**

of the Mona to Huntington 345-kV transmission line through the Clover substation; and (6) permanent and temporary access roads. The Project would transmit about 1,500 megawatts of electricity generated from existing new renewable (e.g., wind and solar) and thermal (e.g., gas, coal) generation sources to meet growing customer needs, ease transmission congestion and improve the flow of electricity throughout the West.

The proposed transmission line crosses federal land—most of which is administered and managed by the BLM. Potential routes for the transmission line identified to date also will cross state, tribal and private lands. Twenty-nine federal and state agencies and local governments are cooperating agencies.

Environmental Concerns

The EPA provided scoping comments in a letter dated June 28, 2011. We are pleased that the BLM has responded to many of our environmental protection recommendations by committing to include implementation plans for stormwater pollution prevention; spill prevention, containment and countermeasures; erosion, dust control, and air quality mitigations; hazardous materials management; and noxious weed management in the project Plan of Development (POD). We commend the BLM for requiring that the POD be developed before the signing of the Record of Decision (ROD) and incorporated by reference in the ROD, and for committing to apply the POD consistently to not only federal lands, but to state and private lands unless the state or private landowner objects and provides documentation of their decision to the compliance inspection contractor. The EPA would like to see the Final EIS address the following environmental concerns:

F1a

Water Resources

The EPA recommends that the Section 3.2.3.1.1 Regulatory Framework discussion include information on the Clean Water Act (CWA) Section 311 – Oil and Hazardous Substances Liability if fuels will be stored at any project site. The regulations in this part apply to the discharge of oil, which is prohibited by Section 311(b)(3) of the CWA. Prohibited discharges include certain discharges into or upon the navigable waters of the United States.

F1b

The Ute tribal government has the ability to set controls on tribal lands and waters. The EPA recommends that the Final EIS address tribal ordinances and tribal council rules and conditions set within the contract for crossing tribal lands.

F1c

The descriptions of the water resources in Section 3.2.4.3.2 do not give any indication where these waters are in relationship to the project, nor do the descriptions give any indications of the potential for adverse impacts. For example, the lists of waters are not related to the siting of towers or crossings, and thus, do not provide the reader with a clear understanding of the potential size (e.g., acres of wetlands) of the impacted resource. The EPA recommends that maps at a readable scale showing the water resources impacted by the alternatives be included in the Final EIS.

F1d

Table 3-38 lists impaired water bodies, but designated uses are not described. This is important because there is the potential, for example, that additional sedimentation could impact drinking water resources. The EPA recommends adding the designated use of the listed water bodies to this table and indicating whether these uses will be adversely affected by the project.

F1e

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F1a Comment noted.

F1b A description of Clean Water Act (CWA) Section 311 has been added as recommended.

F1c *[Pending additional coordination with the Bureau of Indian Affairs.]*

F1d The geographic scope of the Project makes the mapping of all locations of water resources in the EIS infeasible. Further, specific tower and crossing locations cannot be identified until a route is selected and engineering and design can be performed. Therefore, it is not possible to identify exact locations of potential impacts on water resources. Please refer to the resource mapping in Volume II, specifically Map Set MV-6. Also, Appendix I includes supporting water resources information, including lists of specific water types and the number of crossings by link number. Preconstruction surveys for wetlands and waters will be performed in all areas that could be affected by the Project for the selected route. The results of these surveys will help direct final engineering plans and permitting under applicable regulations.

F1e Appendix I includes supporting water resources information, including a list of impaired waters and their designated use. Potential impact on impaired waters has been included in Section 3. Additional text describing potential effects the Project could have on impaired waters has been added to Section 3.2.4.5.

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F1	U.S. Environmental Protection Agency (cont.)

F1f

Section 3.2.4.4.2 describes using "USACE and EPA-approved methods and standards" to identify "particular sensitivity, abundance and value of inventoried water resources." Please provide detailed information and references about these agency approved methods.

F1g

Section 4.3.4 states that the cumulative effects analysis of linear features, such as perennial streams, were buffered by 100 feet to create a conservative polygon 200 feet-wide, but that "no buffer was applied to polygon features including perennial lakes, reservoirs, ponds…" and presumptively, some of the wetlands. This lack of buffers reduces the effectiveness of the analysis because these types of aquatic resources are significantly impacted by the upland landscape. The EPA recommends that the landscape settings for all aquatic resources and buffers be discussed and actual impacts disclosed in enough detail to provide` the reader a clear picture of the watershed impacts.

<u>Air Quality</u>

F1h

The air quality impact assessment used EPA's screening-level dispersion model, AERSCREEN, to determine predicted concentrations of various criteria pollutants for comparison to the national ambient air quality standards (NAAQS) (Chapter 3, page 3-36). We appreciate the time and resources allocated to perform the AERSCREEN modeling for this project. Based on the AERSCREEN results presented in Appendix D (pages D-24 to D-27), the predicted NO_2 concentrations for the modeled scenarios were 7 to 27 times larger than the NAAQS. Please explain the inputs used in the screening to determine if additional analysis is needed. For example, if the exceedances are likely to occur, identify the location of the exceedances and potential mitigation measures. In addition, the EPA recommends that the Final EIS present the modeling results in Chapter 3 instead of in the Appendix.

<u>Mitigation and Monitoring</u>

F1i

Because environmental protection mitigation is discussed in so many different places in the document, it is confusing. The EPA suggests that all of the mitigation—design features (Table 2-8); selective mitigation measures (Table 2-13); and agency restrictions, standards and stipulations—be summarized, and organized by resource in an Appendix so that the decision maker and the public can gain a clear understanding of the potential environmental impacts associated with this project.

F1j

We are pleased that, like the Gateway West and the TransWest Express transmission line projects, a third party independent monitor, the compliance inspection contractor, will be hired to ensure compliance with mitigation commitments. The EPA recommends that the BLM provide additional discussion about the monitor in Chapter 2 of the Final EIS.

Thank you for the opportunity to provide comments on the Gateway South Draft EIS. If you have any questions or would like to discuss our comments, please contact me at 303-312-6704 or the lead reviewer of this project, Carol Anderson, at 303-312-6058.

Sincerely,

for

Philip S. Strobel
Acting Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

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F1f

The text in the Draft EIS contained an error and has been corrected in Final EIS to state that methods were developed by the Bureau of Land Management (BLM) in coordination with cooperating agencies.

F1g

Buffers were not applied in analysis of cumulative effects to account for impacts on the upland landscape adjacent to water resource features, but rather to create an estimate of area (in acres) of water resources that could be affected in water resource cumulative impacts analysis areas (all subbasins crossed by an alternative route or route variation). Linear features do not have an area and therefore features such as streams were buffered using geographic information systems (GIS) to create a polygon for which cumulative impacts could be assessed.

Direct and indirect impacts of the Project on water resources (including within the buffered area around features) are assessed in Chapter 3 (Section 3.2.4).

F1h

Additional explanation of the screening model set-up and emissions has been included in the Final EIS in Sections 3.2.1.4.1 and 3.2.1.4.2. Regarding the recommendation to present the modeling results in Chapter 3 (instead of the appendix), BLM refers to Council on Environmental Quality (CEQ) guidelines (40 Code of Federal Regulations [CFR] 1502.21), which state "agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action." The modeling results are not included in the body of the EIS document.

F1i

Design features of the Proposed Action and the selective mitigation measures applied in the impact assessment and mitigation planning process are presented in two tables in Chapter 2 (Tables 2-8 and 2-13, respectively with the relevant resources identified in table form); and seasonal and spatial restrictions are detailed (by species/species group) in Appendix J. Reorganization of the information would require a significant effort and could not be accommodated in the Project schedule. It should be noted the plan of development (POD) would be refined during detailed design and engineering once a route has been selected for construction of the project. Refinements must be either consistent with the outcome of the impact assessment and mitigation planning disclosed in this EIS or supplemental National Environmental Policy Act (NEPA) review would be required. The content of the POD, which will be carried forward from and/or refined from the information and data disclosed in the EIS, consists of (1) background information, direction, and implementation plans and (2) detailed mapping to facilitate execution of the design features of the Proposed Action for environmental protection and the selective mitigation measures committed to in the EIS.

F1j

The BLM believes the role of the monitor is adequately discussed in Section 2.4 of the EIS. The roles and responsibilities of the personnel to be involved in implementation of the BLM's direction regarding specifications and requirements for construction, operation, and maintenance on federally administered lands, including the compliance inspection contractor and environmental monitors, will be detailed in the POD.

Comment(s)

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F2 | **U.S. Fish and Wildlife Service**

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
5353 Yellowstone Road, Suite 308A
Cheyenne, Wyoming 82009

MAY 2 1 2014

In Reply Refer To:
06E13000/WY13CPA0105a

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ASD		M&LA	1
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LAW		LEAD Resp.	2

Memorandum

To: State Director, Wyoming State Office, Bureau of Land Management, Cheyenne, Wyoming

From: for Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office, Cheyenne, Wyoming

Subject: Energy Gateway South Transmission Line Project Draft Environmental Impact Statement

Thank you for your letter (DES BLM/WY/PL-14/009+5001, Case file: WYW-174597) dated January 28, 2014, received in our office on March 3, regarding the proposed Energy Gateway South Transmission Line Project (Project) Draft Environmental Impact Statement (DEIS). The Bureau of Land Management (BLM) has requested comments from the U.S. Fish and Wildlife Service (Service) on the Project pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (ESA; 50 CFR §402.14).

Enclosed are comments from the Western Colorado, Utah, and Wyoming Service Field Offices. In addition to providing comments, we have also included information regarding other areas of Federal trust authorities such as the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703, the Bald and Golden Eagle Protection Act (Eagle Act), 16 U.S.C. 668, and wetlands protection. We anticipate your response to our comments and look forward to coordination on this Project as a cooperating agency with the BLM to avoid and minimize impacts to Federal trust resources as a result of the proposed Project.

For our internal tracking purposes, the Service would appreciate notification of any decision made on this Project (such as issuance of a permit or signing of a Record of Decision or Decision Memo). Notification can be sent in writing to the letterhead address or by electronic mail to FW6_Federal_Activities_Cheyennefws.gov.

Comment(s)

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F2 | **U.S. Fish and Wildlife Service (cont.)**

We appreciate your efforts to ensure the conservation of Federal fish and wildlife resources. If you have questions regarding this letter, comments made on the DEIS, or your responsibilities under the ESA, MBTA, Eagle Act, or other authorities or resources described above, please contact Julie Reeves in the Wyoming Field Office at (307) 772-2374, extension 232.

Enclosure

cc: USFWS, Division of Migratory Bird Management, Lakewood, CO (K. Kritz; kevin_kritz@fws.gov)
USFWS, Western Colorado Field Office, Grand Junction, CO (J. Toolen; john_toolen@fws.gov)
USFWS, Utah Field Office, Salt Lake City, UT (A. Defreese; amy_defreese@fws.gov)
USFWS, Office of Law Enforcement, WY (R. Brown; roy_brown@fws.gov)
BLM, Project Manager, Cheyenne, WY (T. Gertsch; tgertsch@blm.gov)
BLM, Endangered Species Program Lead, Cheyenne, WY (C. Keefe; ckeefe@blm.gov)
WGFD, Interim Non-game Coordinator, Lander, WY (M. Grenier)
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (M. Flanderka)

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Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2a	Summary	S-7 to S-11	General	Julie Reeves	The Service acknowledges the detailed discussion of the various route alternatives and variations, including the agency preferred alternative, for the WYCO portion of the Project in the summary of the Project. The Service supports the route that avoids impacts to the Tuttle Ranch Conservation Easement and that avoids and minimizes impacts to the Service's trust resources. The Service understands that TransWest Express has chosen a different alternative than EGS (similar to Route Variations WYCO-B-3, WYCO-C-3, WYCO-D-1, and WYCO-F-3) that parallels the existing line through the Tuttle Ranch Conservation Easement.
F2b	Summary	S-20 to S-21	General	Julie Reeves	The DEIS states that "In the Project description, the Applicant has committed to use water from previously allocated sources such as treated municipal sources or existing water rights, thus the quantity of water used by the Project would not be any greater than what is currently being used or otherwise allocated." The Service acknowledges that the Applicant may use water from previously allocated sources. However, the Service points out that water rights are not the matter at hand, and rather whether or not the water use has been consulted upon. The Applicant should identify the sources from which water will be used, and determine whether or not those uses have been consulted upon.
F2c	Summary	S-25	Greater sage-grouse	Julie Reeves	The DEIS states that "All alternative routes would be in compliance with Wyoming Executive Order 2011-5." but does not explain what being in compliance with the EO 2011-5 means relative to impacts to core habitat. We recommend that this sentence be modified by adding "in compliance with Wyoming Executive Order 2011-5 through siting the alternatives within transmission line corridors identified in the EO."
F2d	Summary	S-37	1 to 2	Julie Reeves	The first sentence on this page describes a list of federally listed and candidate species occurring and potentially affected by the Project. The Service recommends the addition of "proposed" species to that list.
F2e	Summary	S-37	Consultation	Julie Reeves	The DEIS states that "Pursuant to Section 7(c)(1) of the ESA, the BLM, in cooperation with the appropriate cooperating agencies, will prepare a Biological Assessment to initiate formal consultation with the FWS and fulfill agency obligations under Section 7(a)(2) of the Act for the Agency Preferred Alternative route." The Service requests clarification of the document to show that all cooperating agencies will be covered for any decisions that they make regarding the Project by the consultation that BLM requests of the Service. That is, no other Federal agency will need to request consultation under section 7 of the ESA for their role in permitting or carrying out this Project, as cooperating agencies under BLM's consultation.
F2f	Summary	S-59	Table S-3b	Julie Reeves	Based on the information provided in Table S-3b regarding biological resources, it appears that the agency-preferred alternative in the WYCO route area (WYCO-B-2) will avoid impacting federally listed plants and wildlife, and their habitats more than other alternatives.
	Summary	S-119 to S-120	Table S-5	Julie Reeves	The Service acknowledges the detailed impact assessment for acres crossed and miles of access roads. This information is useful to the reader to compare alternatives and calculate impacts to habitat as a result of various alternatives.
F2g	1.1	1-5	Paragraph: 3	Amy Defreese	In the 3rd paragraph on this page, please identify which Project description trumps the other in cases where there are differences between that articulated in the DEIS versus Appendix B Applicant's Description of the Project. Alternatively, please ensure that the two Project descriptions are consistent.
	1.3	1-7	8 to 11	Julie Reeves	The DEIS states that "If the selected route crosses the Deer lodge Road entrance to Dinosaur National Monument, land owned in fee by the NPS, NPS may grant a right-of-way across the road for the Proposed Action. Per NPS Director's Order No. 53, NPS can only decide to issue a right-of-way grant if there is no practicable alternative to such use of NPS lands." The

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F2a Comment and route preference noted.

F2b Discussions with the BLM and the Wyoming State Engineer have indicated that use of water from municipal sources would not be considered new depletions, as municipal use is already considered consumptive. Only changes in use from non-consumptive (e.g., agriculture) to consumptive use would be considered a new depletion. As specified in Appendix B of the Final EIS, PacifiCorp, doing business as Rocky Mountain Power (Applicant), would procure water required for construction from existing municipal or commercial sources or under temporary water use agreements with landowners holding existing water rights. Whether or not consultation under the Endangered Species Act (ESA) for these sources has already occurred will either be determined during the Section 7 consultation process, or if specific sources have not been identified prior to submittal of the final Biological Assessment (BA), potential water depletions to the Platte and Colorado Rivers will be calculated based on construction needs in these watersheds and depletion fees will be paid into the respective recovery programs, if and as appropriate. Also, please note that additional analysis and discussion has been included in Appendix J for all species potentially impacted by the water depletions.

F2c The text has been modified as recommended. The sentence now reads: "All alternative routes and route variations would be in compliance with Wyoming Executive Order 2011-5 through siting the alternative routes and route variations within transmission line corridors identified in the Executive order."

F2d Text has been edited as requested.

F2e Clarifying text has been added as requested.

F2f Comment noted.

F2g The project description presented in Appendix B is a more detailed description of the Project, provided by the Applicant. The descriptions in Chapters 1 and 2 of the EIS are a summary of the project features relevant to the analysis that are described in Appendix B. Thus, the descriptions of the Project in the body of the EIS and the appendices are intended to be the same.

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F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
					Service acknowledges that the agency preferred alternative currently crosses Deer lodge Road, which places the need for a decision on the NPS.
	1.5.8	1-13	Paragraph: All	Amy Defreese	This section that distinguishes the process and difference between the two types of PODS (NEPA versus Construction POD) is really helpful!
F2h	1.5.8	1-13	Paragraph:3	Amy Defreese	In the third paragraph of this section, we recommend that you provide a statement that the Construction POD (as defined on page 1-13) will be reviewed by ID Team agencies. This is consistent with information provided on page 2-14 of the DEIS.
F2i	1.9	1-27	Table 1-3	Julie Reeves	The Endangered Species Act reference should also include "as amended."
F2j	2.2	2-1	Paragraph: all	Amy Defreese	Recommend that the EIS include Geotech work in the Project description and analysis. Specific text could be added to the first bullet in Section 2.2 as follows: • "Pre-Construction activities (e.g. geotech activities, engineering surveys, etc.), construction, operation, and maintenance of a 500 kV single-circuit…"
	2.2	2-1	Proposed Action	Julie Reeves	The proposed action does not currently include geotechnical investigations. Consider revising.
F2k	2.3.1.1	2-3 to 2-7	all	Julie Reeves	The Service acknowledges that the proposed structure types for EGS are self-supporting lattice structures and H-frame pole structures for the 500 kV portions of the line. The Service supports the use of structures that provide fewer perching opportunities for avian predators within habitat where sensitive prey species occur, and supports the use of towers without guy wires, which increase collision risk for avian species. The Service understands that the agency-preferred structure type proposed for the TransWest Express transmission line is the guyed delta structure.
F2l	2.3.3.1	2-10	Paragraph: 4	Amy Defreese	Recommend that you disclose which POD will include the locations of access roads (i.e., the NEPA POD or the Construction POD).
F2m	2.4	2-11	Paragraph: 2	Amy Defreese	Recommend that the EIS provide more clarity about *which* activities and refinements might be subject to supplemental NEPA review.
F2n	2.4	2-11	Paragraph: 4	Amy Defreese	This section is unclear about whether Engineering surveys and Geotechnical work will be vetted by the ID Team through the NEPA POD and Construction POD review process. Table 2-4, for example, does not list these two activities. We recommend that these activities move forward only after vetting in the Construction POD. For some species, like T&E plants, it will be critical to ensure that surveyors do not run over plants while driving to the corridor and staking the CL.
	2.4	2-11	Paragraph: 3	Amy Defreese	In the text of this paragraph, please identify whether it is the NEPA POD or the Construction POD that is required prior to implementation and maintenance of the Project. Also, does "implementation" include pre-construction activities like Engineering surveys and Geotech work?
F2o	2.4	2-11	Paragraph:5	Amy Defreese	This section states that the NEPA and Construction PODS will house information about 1) detailed, site-specific, T&E species conservation measures; and, 2) plans to provide compensatory mitigation for impacts to biological resource. We recommend that the ID Team agencies be given sufficient time to review those PODS. Based on prior experience, it takes significant time to negotiate detailed conservation measures and compensatory mitigation packages. We DO NOT recommend that the Construction POD (as defined on page 1-13) be distributed for review with anything less than a 6-month window before a Notice to Proceed is authorized.
F2p	2.4	2-14	8 to 9	Julie Reeves	The DEIS states that "Although the federal agencies do not have authority over state or private land, the federal agencies have an obligation to disclose in the EIS the consequences of their decisions on nonfederal land...." However, when impacts to federally listed species or migratory birds are

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F2h The text has been modified as recommended. The additional sentence reads: "The construction POD will be reviewed by the Agency Interdisciplinary Team and cooperating agencies (listed in Section 1.7.4) having jurisdictional or regulatory responsibilities and/or specialized knowledge for the Project."

F2i The text has been modified as recommended. The law/regulation now reads: "Endangered Species Act of 1973, as amended."

F2j The geotechnical investigation is discussed in Section 2.4.2.2. The Applicant considers the geotechnical investigation and other preconstruction activities as the first step in construction.

F2k Since publication of the Draft EIS, the Applicant has reused their project description to propose both guyed and self-supporting tangent structure configurations as the predominant type of structures (refer to Section 2.3.1.1.). The analysis in the Final EIS has been updated to reflect the change in predominant structure types

F2l Edited as requested.

F2m The BLM has coordinated with other land-managing agencies to ensure the analysis included in the EIS is sufficient to support their decision-making. The BLM does not anticipate that any supplemental analysis will be required.

The process for granting any requests for variances to the right-of-way grant (BLM) or special-use authorization (U.S. Forest Service [USFS]) will be established in the NEPA POD to be developed in coordination with the cooperating agencies and included as a condition of the Records of Decision (ROD). If any variances are requested outside of the bounds of analysis in this EIS, supplemental analysis may be required.

F2n These requirements will be established in the NEPA POD to be developed in coordination with the cooperating agencies and included as a condition of the BLM and USFS RODs.

F2o Comment noted.

F2p The text has been edited to specify that the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act also apply, regardless of land jurisdiction or ownership.

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F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2p					predicted to occur anywhere in the United States, regardless of land ownership, it concerns the Service. The ESA, MBTA, Eagle Act, and other Federal wildlife statutes apply to all categories of ownership. Agencies that are granted authority by Congress to implement these wildlife statutes (the USFWS and NMFS) have a legal authority relative to populations of these species. Because this Project is being permitted by a Federal agency, the ESA protects federally listed species under consultation between the BLM and the Service.
F2q	2.4.1	2-15	Paragraph: 2 and 3	Amy Defreese	The following recommendation is in response to this statement: "During construction, temporary permission would be required from landowners and land-management agencies for off-ROW access, multi-purpose construction areas, pulling and tensioning sites, helicopter fly yards, and material storage." Recommend that the EIS describe the process by which it will review locations for temporary and permanent land disturbance that may vary from those identified in the Construction POD. The concern is that there may be new impacts to Service trust resources that were not vetted during Construction POD discussions.
F2r	2.4.2.2	2-17 to 2-19	all	Julie Reeves	The Service acknowledges that the geotechnical investigations for the Project are described in detail in this portion of the DEIS. The discussion of mud rotary drilling states that this type of drilling uses water, and therefore, the water used for this type of geotechnical investigation should be included in the total amount of water used for the Project.
F2s	2.4.5.3	2-26	all	Julie Reeves	The DEIS describes water use for the construction of transmission lines and compensation stations. The Service understands that no new water rights would be required, and requests that the sources for the water be determined so that BLM can determine (with the WY State Engineer's Office for the Platte) whether those rights have consulted on the use of the water under the Platte River and Colorado River basin depletions programs.
	2.4.8	2-36 to 2-40 and 2-46 to 2-47	Table 2-8	Julie Reeves	The Service acknowledges that Design Features 1 through 10 are proposed to avoid and minimize impacts to federally listed and other sensitive species of wildlife, plants, and their habitats, and Design Features 26 through 30 avoid impacts to these species and their habitats as well as other resources.
F2t	2.4.8	2-38	Table 2-8	Amy Defreese	Design Feature 4 is not meaningful unless it references what specific standards (from the various documents listed here) will be used in construction, operation, and maintenance of the Energy Gateway South transmission line. Recommend that you provide a separate Appendix that lists the various standards Pacificorp will use.
F2u	2.4.8	2-39	Table 2-8	Amy Defreese	It is not clear whether activities such as "drive and crush" and "clear and cut" for overland access are included in Design Features 6 and 7. Recommend adding them as an activity included in Design Features 6 and 7.
F2v	2.4.8	2-40	Table 2-8	Amy Defreese	Design Feature 7: We recommend that spatial nest buffers be placed around each active nest until the birds have fledged, and are no longer dependent on the nest.
F2w	2.4.8	2-40	Table 2-8	Amy Defreese	Design Feature 8: This Design Feature does not address unoccupied raptor nests. These are defined for Utah (in Romin and Muck 2002) as those not selected by raptors for use in the current year. Inactivity at a nest site or territory does not necessarily indicate permanent abandonment, and these nests should be protected with seasonal and spatial buffers. Therefore we recommend that you incorporate a Design Feature that protects unoccupied raptor nests (with temporal and spatial buffers) until a qualified biologist determines that the nest is not active in the current nesting season. Such a measure is consistent with recommendations in Romin and Muck 2002.
F2x	2.4.8	2-40	Table 2-8	Amy Defreese	Design Feature 8: Because the raptor protection measures disclosed in Appendix E may not be consistent between BLM Field Offices and the Utah Raptor Guidelines (Romin and Muck 2002), we recommend that you

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F2q See response to Comment F2m.

F2r Mud rotary drilling is one of several identified drilling methods that may be used. Site-specific selection of drilling methods has not been completed at this time. However, water use for mud rotary drilling is assumed in overall water use estimations for the Project.

F2s The BLM is coordinating with the Wyoming State Engineer's Office, the Upper Colorado River Endangered Fish Recovery Program, and the U.S. Fish and Wildlife Service (FWS) regarding this issue through the Section 7 consultation process. Specific water sources have not been identified at this time. However, the Applicant intends to include a commitment to use water sources subject to previous consultation as a conservation measure.

F2t The BLM understands the Applicant has worked with the FWS, Avian Power Line Interaction Committee, and other agencies to develop an Avian Protection Plan for their facilities and distribution and transmission lines in their service territory. The Avian Protection Plan and Avian Power Line Interaction Committee guidelines for protection and collisions are referenced at a high level in the EIS. Project-specific standards, methods, and measures (including avian-specific mitigation) will be described in the POD to be developed in coordination with cooperating agencies, including FWS and state wildlife agencies.

F2u Drive-and-crush and clear-and-cut overland access techniques are not inherent in Design Features 6 and 7. Overland access is discussed in Design Feature 18 and Selective Mitigation Measure 13.

F2v Edited as requested.

F2w The BLM understands that nest surveys of the selected route will identify both occupied and unoccupied nests. Any unoccupied nest must be cleared before construction can commence in a certain area. Design Feature 8 was modified to incorporate unoccupied nests, as requested.

F2x Agency guidelines for raptor protection will be identified in the Wildlife Resources Conservation Plan developed for the POD. These guidelines will be developed in cooperation with FWS, the Applicant, and cooperating agencies, and will be part of the consultation with the FWS.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2x					identify which agency's guidelines will be followed. Furthermore, we recommend that the EIS follow the Service's developed raptor guidelines throughout the Project area.
F2y	2.4.8	2-40	Table 2-8	Amy Defreese	Design Feature 9: This measure suggests that the Applicant will avoid siting structures in sensitive habitats (including T&E species or state sensitive species habitats). Recommend expanding this measure to state that the Applicant will avoid any surface disturbance in these habitats. Although spanning these habitats eliminates the potential for siting towers within these habitats, it does not preclude potential disturbance from access roads, helicopter yards, multi-purpose construction yards, etc. that could be constructed in, or close to, sensitive habitats.
F2z	2.4.8	2-42	Table 2-8	Amy Defreese	Design Feature 17: This design feature is good. It can be improved by adding language to prohibit the stockpile of stripped topsoil in sensitive locations (i.e. wetland or riparian areas, sensitive species habitats and/or within appropriate buffers of sensitive species habitats)
F2aa	2.4.8	2-48	Table 2-8	Amy Defreese	Design Feature 33: Recommend that Rocky Mountain Power expand this measure to prohibit refueling and storing potentially hazardous materials within critical habitat for Colorado River T&E fish species (humpback chub, Colorado pikeminnow, razorback sucker, and bonytail chub). This equates to the 100-year floodplain for segments of rivers including (but not limited to) the Green River, Duchesne River, and White River.
F2ab	2.4.8	2-50	Table 2-8	Julie Reeves	The Service acknowledges that Design Features 35 through 39 are proposed as best management practices during geotechnical investigations. The Service additionally recommends that these investigations occur utilizing seasonal and spatial buffer recommendations for wildlife, including nesting migratory birds, due to the potential for noise, vibrations, and other effects of crews doing this type of work (i.e. a similar Design Feature to numbers 6,7, and 9).
F2ac	2.5.1.2	2-60	Paragraph: 2	Amy Defreese	This paragraph describes how short-term impacts are those that will return to a preconstruction condition at or within 5 years of the end of construction. It also describes how long-term impacts are those that would remain for the life of the Project (50 years). How does the analysis address those instances where habitats (e.g. sagebrush) may take 25 years to return to pre-construction conditions? Recommend that the EIS refer to anything with more than a 5-year disturbance a "long-term effect".
F2ad	2.5.1.2	2-63	Table 2-11	Julie Reeves	The summary of estimated ground disturbance and vegetation clearing for each of the alternatives within the WYCO portion of the Project supports the agency-preferred alternative selection as having the relative lesser level of impact than other possible routes through the WYCO portion of the line.
F2ae	2.5.1.2	2-66	1	Amy Defreese	This paragraph refers the reader to Appendix B, Section 4.1.5 for vegetation clearing methods associated with the ROW. This section of Appendix B does not provide any information about what equipment will be used to clear vegetation, whether vegetation will be cut at the surface, whether vegetation will be ripped from the ground, etc. Recommend providing this kind of information in this paragraph. It is important information to provide the reader.
	2.5.1.2	2-66 to 2-67	Mitigation Planning and Effective-ness	Julie Reeves	The Service acknowledges that the DEIS includes a general description of measures to mitigate "high" or "moderate" impacts, which will be applied to avoid, reduce, or minimize those impacts, as well as mitigation to offset or compensate for impacts. The DEIS points to the BLM's Draft Regional Mitigation Manual Section 1794, which includes "measures for the BLM to consider for compensating for an impact by replacing or providing substitute resources or environments." The DEIS provides several examples of compensatory mitigation that would offset impacts to migratory birds and their habitats, including "offsite vegetation treatments to improve sage-

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Response(s)

F2y Limiting surface disturbance related to access roads and construction areas is addressed in the Applicant's project description (for example, Sections 2.3.3 and 2.4.2.3), including Design Features 1, 3, and 6 (which are accepted by the Applicant as part of the project description), and through application, where appropriate, of Selective Mitigation Measures 1, 2, 5, 7, 12, and 15 (refer to Table 2-13).

F2z As described in Design Feature 2, a reclamation, revegetation, and monitoring framework plan would identify reclamation stipulations such as topsoil stripping and storage.

F2aa Mitigation measures beyond those identified by the BLM in the EIS would developed through the Section 7 consultation with FWS in the BA and would be included in the NEPA POD.

F2ab All other design features of the Proposed Action for environmental protection are applicable to geotechnical investigations. However, Design Features 35 through 39 are specific to geotechnical investigations.

F2ac For the purposes of analysis short-term impacts are assumed to persist for up to 5 years. Environmental effects that would be anticipated to remain for greater than 5 years and through the life of the Project (approximately 50 years) are indeed considered long-term impacts for purposes of the analysis.

F2ad Comment noted.

F2ae Vegetation will be removed using mechanical equipment such as chain saws, weed trimmers, rakes, shovels, brush hooks, and mowers. Clearing efforts in heavy growth areas will use equipment such as a Hydro-Ax excavator mounted brush mower, or similar. The duration of activities and the size of crew and equipment required will be dependent on the amount and size of the vegetation to be pruned or removed. The specific equipment to be used cannot be known until an EPC contract is awarded. This level of detail will be addressed in the construction POD.

In or adjacent to the right-of-way, mature vegetation will be removed under or near the conductors to provide adequate electrical clearance, as required by the North American Electric Reliability Corporation and Department of Energy. Typically, only large trees or fast growing vegetation will be pruned or removed. Slash will be left in place or disposed of in accordance with the requirements of the land-management agency or landowner.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
					grouse or migratory bird habitat; purchase of property or conservation easements to provide long-term protection for sage-grouse or migratory bird habitats..."
F2af	2.5.1.3	2-69	Table 2-13	Amy Defreese	Selective Mitigation Measure 1: Recommend that the EIS provide some criteria or parameters so that the reader understands what soils and vegetation may be "particularly sensitive to disturbance." As written, this measure is not very meaningful as it is unclear where the measure will be applied.
F2ag	2.5.1.3	2-70	Table 2-13	Amy Defreese	Selective Mitigation Measure 4: It is difficult to understand what this measure means. As discussed in Appendix B, Pacificorp applies a wire-border zone method to control vegetation in the ROW. In the wire zone, all vegetation is cleared, then RMP allows vegetation that will not grow beyond 5-feet tall to grow back. By implementing selective mitigation measure #4, is the intent to allow some trees to grow back? Recommend that you rewrite this measure to be more specific. Does it apply to the wire zone and border zone? If so, how? Does it apply to all habitats, or only riparian habitats?
F2ah	2.6.1.3	2-124	1	Julie Reeves	The DEIS states "Additional transmission capacity of the existing transmission paths in the Project area EISs not exist." Consider revising.
F2ai	Chapter 3	All	General	Kevin Kritz	This Chapter combines two topics more typically split out in a Project EIS; the Affected Environment and the Environmental Consequences. In combining these two topics the result is a Chapter that is especially long and a challenge to follow. The Service recommends that the EIS be revised and that these two NEPA topics be split out into one Chapter that describes the Affected Environment and another that covers the Environmental Consequences.
F2aj	Chapter 3	All	General	Kevin Kritz	Were any Project-specific pre-construction surveys conducted for this Project? For example, surveys such as migratory bird point counts, raptor nest surveys, etc. If so, then results of all such surveys should be included in the Affected Environment part of the EIS.
	3.2.4	3-173	Types of Environ-mental Effects	John Toolen	Water depletions should be clearly addressed as a potential environmental effect from this Project. Change in water use from municipal purposes to transmission line use is also a change in water use, which constitutes a new depletion.
F2ak	3.2.4.4.2	3-173	Types of Environ-mental Effects	Julie Reeves	The first and last sentences in the first paragraph contradict each other. The first states that "no direct impacts to water quality would be anticipated," and the last states that "the Project could result in direct impacts on water quality." Consider revising. The Service appreciates the discussion of potential direct and indirect effects of the Project on water resources. We acknowledge that the Project may not include the direct removal of water for construction, operation, or maintenance that is beyond what is currently used by municipalities or existing water rights. The Service recommends that the sources of water to be used for this Project be identified as soon as possible, and that, if within the Colorado River or Platte River basins, the Applicant determine whether those sources have consulted on their use under the Upper Colorado River Endangered Fish Recovery Program or the Platte River Recovery Implementation Program.
F2al	3.2.4.4.2	3-175	Table 3-45	Amy Defreese	We disagree with the results identified in Table 3-44, Water Resource Vulnerability Model. Wetland and riparian habitats are extremely rare in Utah, under high levels of threat, and on the decline. According to the Utah Comprehensive Wildlife Conservation Strategy (UDWR 2005), lowland riparian habitat is very rare in Utah, comprising less than 0.5 percent of total land cover in the state. Mountain riparian habitat is also very rare, covering just 0.2 percent of Utah's land area. It is stable, but stressed by human activities. Wetlands in Utah are very rare, covering just 0.2 percent of Utah's land area. They are declining in both abundance and condition,

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Response(s)

F2af As discussed in Section 2.5.1.2, the application of selective mitigation measures was considered in the analysis residual impacts on various resources. How mitigation was applied for the various resources is discussed for each resource in Chapter 3 as part of their respective discussions for study methodologies. The selective mitigation measures table (Table 2-13) has also been edited to include a summary (as identified in Chapter 3 by the various resources) of general criteria used to apply mitigation measures.

F2ag The wire border zone is the typical practice the Applicant uses for vegetation management. In select areas where impacts could be further reduced by minimizing tree removal in the right-of-way, to the extent practical, this selective mitigation measure would be implemented.

F2ah The sentence has been revised for clarity.

F2ai The decision to combine the Affected Environment and the Environmental Consequences was made early in the preparation of the EIS, and was made in coordination with the Agency Interdisciplinary Team, which includes cooperating agencies. The intent was to present the description of the resource issues and resource(s) affected and the potential environmental effects for a particular area in a similar area (e.g., by state) of the document. Reorganizing the document at this stage of preparation would require a substantial effort; thus, the request could not be accommodated in the Project schedule.

Also note, the presentation of the Affected Environment and the Environmental Consequences is consistent with the organization of the EISs for other similar large-scale, multi-state transmission projects recently prepared by the BLM (e.g., the Energy Gateway West transmission project EIS).

F2aj Preconstruction surveys will not be conducted prior to completion of the Final EIS for the Project. Preconstruction surveys will be conducted for the selected route to inform final Project design and engineering and mitigation planning in the construction POD. Requirements for preconstruction surveys are described in Section 2.5.1.2 and Table 2-8, Design Feature 3.

F2ak See next page for response to F2ak.

F2al See next page for response to F2al.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

Response(s) - continued

F2ak

(A) Water depletions have now been added as potential effect of the Project in Sections 3.2.4, 3.2.6, and 3.2.10 of the EIS.

(B) Discussions with the BLM and the Wyoming State Engineer have indicated that use of water from municipal sources would not be considered new depletions, as municipal use is already considered consumptive. Only changes in use from non-consumptive (e.g., agriculture) to consumptive use would be considered a new depletion. As specified in Appendix B of the Draft EIS, the Applicant would procure water required for construction from existing municipal or commercial sources or under temporary water use agreements with landowners holding existing water rights. Whether or not consultation under the ESA for these sources has already occurred will either be determined during the Section 7 consultation process, or if specific sources have not been identified prior to submittal of the final BA, potential water depletions to the Platte and Colorado Rivers will be calculated based on construction needs in these watersheds and depletion fees will be paid into the respective recovery programs, if and as appropriate.

(C) The first sentence in this paragraph referred to water quantity, while the last sentence referred to water quality. Text has been edited for clarification and to provide further information on water use of the project.

(D) Comment noted. The BLM is coordinating with the Wyoming State Engineer's Office and the Fish and Wildlife Service (FWS) regarding this issue through the Section 7 consultation process.

F2al

Comment noted. The BLM does not agree with the commenter's opinion that the vulnerability model for water resources is inadequate. The impact criteria and the methodology for assessing impacts on water resources, which takes into consideration water resource vulnerabilities, were developed in coordination with the Agency Interdisciplinary Team, including cooperating agencies.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2al					suffering from human impacts. In summary, the overall vulnerability of any water of the U.S., including wetlands and especially springs, should be high. Recommend this change to more accurately reflect the resource value, sensitivity, and quantity in Utah.
F2am	3.2.4.4.2	3-177	Paragraph: 3	Amy Defreese	The text for Selective Mitigation Measure 1 provided here does not match the text provided in Table 2-13. Recommend that the EIS contains correct text, and most importantly, that contractors and construction crews on the ground receive correct instructions.
F2an	3.2.4.4.2	3-177	Paragraph: 3	Amy Defreese	Selective Mitigation Measure 1: Recommend that you change all use of the passive voice in this measure, to the active voice. For example, instead of "Avoiding unnecessary access road upgrades within 300 feet of outstanding waters would limit the amount of surface disturbance" change to "Pacificorp will avoid access road upgrades …" The former has little meaningful application.
F2ao	3.2.4.4.2	3-177	Paragraph: 3	Amy Defreese	Selective Mitigation Measure 1: The significance of the 300-feet buffer for various waters and road upgrades is unclear. Three hundred feet represents only a minimal portion of the "sensitive" soils and vegetation associated with a number of waterbodies (e.g. Green River, White River, Duchesne River, etc.) crossed by the Agency preferred alternative. Recommend application of appropriate buffers according to the size of the waterbody. The 100-year floodplain should represent the minimal buffer for any waterbody.
F2ap	3.2.4.4.2	3-177	Paragraph: 4	Amy Defreese	The text for Selective Mitigation Measure 2 provided here does not match the text provided in Table 2-13. Recommend that the EIS contains correct text, and most importantly, that contractors and construction crews on the ground receive correct instructions.
F2aq	3.2.4.4.2	3-177	Paragraph: 4	Amy Defreese	Selective Mitigation Measure 2: The significance of the 300-feet buffer for various waters and road fill is unclear. Three hundred feet represents only a minimal portion of the "sensitive" soils and vegetation associated with a number of waterbodies (e.g. Green River, White River, Duchesne River, etc.) crossed by the Agency preferred alternative. Recommend application of appropriate buffers according to the size of the waterbody. The 100-year floodplain should represent the minimal buffer for any waterbody.
F2ar	3.2.4.4.2	3-177	Paragraph: 6	Amy Defreese	The text for Selective Mitigation Measure 4 provided here does not match the text provided in Table 2-13. Specifically, Table 2-13 infers that this measure will be applied everywhere, whereas the text here states that the measure will only be applied in the ROW. Recommend that: 1) The measure apply to all areas of potential ground disturbance; and 2) that the EIS contains correct text, and most importantly, that contractors and construction crews on the ground receive correct instructions.
F2as	3.2.4.4.2	3-177	Paragraph: 6	Amy Defreese	Selective Mitigation Measure 4: The significance of the 300-feet buffer for various waters and tree clearing is unclear. Three hundred feet represents only a minimal portion of the "sensitive" soils and vegetation associated with a number of waterbodies (e.g. Green River, White River, Duchesne River, etc.) crossed by the Agency preferred alternative. Recommend application of appropriate buffers according to the size of the waterbody. The 100-year floodplain should represent the minimal buffer for any waterbody.
F2at	3.2.4.4.2	3-178	Paragraph: 2	Amy Defreese	Selective Mitigation Measure 7: In the text here, recommend that the EIS provide the caveat that this measure will be applied "within the limits of standard tower design and in conformance with engineering and Applicant requirements." The caveat is provided in Table 2-13 and should be carried forward in the text here for full disclosure.
F2au	3.2.4.4.2	3-178	Paragraph: 3	Amy Defreese	Selective Mitigation Measure 11: Recommend that the EIS include the following in the list of sensitive features identified for avoidance: springs, all

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Response(s)

F2am

The text referenced in Section 3.2.4.4.2 is intended to describe how the selective mitigation measure (which is applicable to multiple resources) will be applied for water resources. BLM will refine specific application of selective mitigation measures in cooperation with cooperating agencies, including the Fish and Wildlife Service (FWS), and the Applicant during preparation of the POD. The process for application and agency review of selective mitigation measures applied during preparation of the POD is described in Section 2.4 of the Final EIS. As described in Section 2.5.1.2 and 3.2.8.4.1 under the heading Mitigation Planning and Effectiveness, the results of preconstruction surveys would be used by the agencies to refine the mitigation requirements and further inform the construction POD.

All selective mitigation measures will be incorporated into the construction POD, which will clearly indicate where each selective mitigation measure would be applied, and will be provided to construction contractors.

F2an

Because the selective mitigation measures are presented and discussed throughout the EIS document, it would require a substantial effort to make such a revision and, thus, the request could not be accommodated in the Project schedule. It should be noted, however, that the passive language referred to in the comment is due to the sequence of impact analysis and mitigation planning, followed by development of the POD for the selected route, rather than conditionality of the selective mitigation measures. That is, the POD would be refined during detailed design and engineering once a route has been selected for construction of the project. Refinements must be either (1) consistent with the outcome of the impact assessment and mitigation planning disclosed in this EIS or (2) supplemental NEPA review would be required. The content of the POD, which will be carried forward from and/or refined from the information and data disclosed in the EIS, consists of (1) background information, direction, and implementation plans and (2) detailed mapping to facilitate execution of the design features of the Proposed Action for environmental protection and the selective mitigation measures committed to in the EIS.

F2ao See next page for response to F2ao.

F2ap See next page for response to F2ap.

F2aq See next page for response to F2aq.

F2ar See next page for response to F2ar.

F2as See next page for response to F2as.

F2at See next page for response to F2at.

F2au See next page for response to F2au.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

Response(s) - continued

F2ao

Floodplain mapping is not comprehensive for all jurisdictions along the alternative routes and route variations; therefore 100-year floodplains cannot be used consistently in an analysis as buffers for water resources throughout the Project area. All wetlands and waterways would be delineated for the selected route before construction, and any impacts on U.S. Army Corps of Engineers jurisdictional features would be subject to Section 404 of the CWA (refer to Section 3.2.4.1.1). Additionally, per Design Feature 33, surface-disturbing activities within 328 feet (100 meters) of riparian areas (including wetlands, stream banks, and shores of ponds or lakes) in Utah or Colorado would be required to meet exception criteria as defined by the BLM. This buffer distance was identified in coordination with the Agency Interdisciplinary Team and cooperating agency representatives and is consistent with Utah BLM Riparian Policy (BLM 2010). In Wyoming, surface-disturbing activities within 500 feet of all wetlands and waterways would also be required to meet exception criteria in association with the BLM Rawlins Field Office Resource Management Plan (BLM 2008).

Further, selective Mitigation Measure 1, the restriction of upgrading or widening access roads, would be applied selectively to all specially designated waters. A 328-foot avoidance buffer would be applied around these features in Colorado and Utah, and a 500-foot avoidance buffer would be applied in Wyoming,in addition to the stipulations required for all waters and wetlands under Design Feature 33 and the CWA.

F2ap

The text referenced in Section 3.2.4.4.2 is intended to describe how the selective mitigation measure (which is applicable to multiple resources) will be applied for water resources. BLM will refine specific application of selective mitigation measures in cooperation with cooperating agencies, including the FWS, and the Applicant during preparation of the POD. The process for application and agency review of selective mitigation measures applied during preparation of the POD is described in Section 2.4 of the Final EIS. As described in Section 2.5.1.2 and 3.2.8.4.1 under the heading Mitigation Planning and Effectiveness, the results of preconstruction surveys would be used by the agencies to refine the mitigation requirements and further inform the construction POD.

All selective mitigation measures will be incorporated into the construction POD, which will clearly indicate where each selective mitigation measure would be applied, and will be provided to construction contractors.

F2aq

See response to Comment F2ao.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

Response(s) - continued

F2ar Mitigation Measure 4 would be applied in the right-of-way as indicated in Table 2-13. All mitigation measures will be incorporated into the Project POD, which will clearly indicate where each selective mitigation measure would be applied, and will be provided to construction contractors.

Selective Mitigation Measure 4, as it was applied to water resources, was found to be redundant with the intent of implementation of Selective Mitigation Measure 11 and has been removed from application to water resources.

F2as See response to Comment F2ao.

F2at Text has been edited to reflect the language in Table 2-13 for Selective Mitigation Measure 7.

F2au The BLM believes potential impacts on these sensitive features are adequately addressed by Selective Mitigation Measure 2.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2au					wetland types, and all riparian areas.
F2av	3.2.4.4.2	3-179	Table 3-46	Amy Defreese	See comment for Table 3-45. We do not agree with the vulnerability determinations made for the various water resources. Therefore, we do not believe that the characterizations of residual impacts are accurate.
	3.2.5.4.3	3-225	Direct Effects	Julie Reeves	The Service acknowledges that the potential for direct effects include long-term removal of native or desirable vegetation with construction of roads or transmission line towers, leading to permanent alteration and impacts to habitat values and/or ecosystem services of these communities.
F2aw	3.2.5.4.3	3-226	Design Feature 9	Julie Reeves	The Service acknowledges that Design Feature 9 is proposed to avoid special status plants and habitat, and will also be implemented for riparian, water, wetland, and other rare or slow-regenerating vegetation types. Understanding in what situations this measure will be implemented "whenever possible" will help the reader understand the efficacy of this measure. Will preconstruction surveys identify these situations and locations?
F2ax	3.2.5.4.3	3-226 to 3-227	Selective Mitigation Measures	Julie Reeves	The Service acknowledges that Selective Mitigation Measures 1, 2, 4, 7,11, and 13 are proposed to reduce high to moderate impacts to riparian and wetland vegetation communities. The Service recommends all measures be implemented in all areas identified during preconstruction surveys.
F2ay	3.2.5.4.3	3-229	Initial impacts	Julie Reeves	The DEIS states that "A high initial impact was assigned to the riparian, water, and wetland vegetation communities. Riparian and wetland vegetation communities are among the most rare vegetation communities in the arid west. Without mitigation, riparian communities crossed by right-of-way corridors could be permanently altered (i.e., cleared of vegetation with the potential to reach heights greater than 5 feet in the wire zone and 25 feet in the border zone) to meet the Project's operational safety standards (Appendix B)." However, Selective Mitigation Measure 4 states that only trees greater than 12 feet tall would be removed from these areas. We recommend clarification of the DEIS to specifically point to Selective Mitigation Measure 4 in this example. For instance, state that "Riparian communities crossed by the ROW corridors could be permanently altered without mitigation (i.e., cleared of vegetation with the potential to reach heights greater than 5 feet in the wire zone and 25 feet in the border zone). With mitigation, including Selective Mitigation Measure 4, trees under 12 feet tall in riparian areas would not be cleared to minimize impacts of the line."
	3.2.5.4.3 and 3.2.5.5.4	3-231 and 3-233 to 3-244	Methods for additional analysis and Alternative route comparisons	Julie Reeves	The Service acknowledges the additional analysis of potential impacts calculated by total vegetation disturbance in acres, and by average rate of disturbance per mile. This estimated area of vegetation clearing provided (as in for WYCO portion of the line in Tables 3-53 to 3-56) will assist readers and decision makers in understanding the differences among alternatives and will be useful in calculating habitat services lost by acreage.
F2az	3.2.6.1.1	3-267	Regulatory framework	Julie Reeves	The description of the ESA does not include the specifics of the act. The Service recommends that the ESA be explained as follows: The Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.), protects and recovers imperiled species and the ecosystems upon which they depend. The ESA requires Federal agencies, in consultation with the U.S. Fish and Wildlife Service, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The ESA also prohibits take of any listed species.
F2ba	3.2.6.2	3-268	Table 3-65	Julie Reeves	Table 3-65 identifies issues for analysis within the EIS. The first row describes potential impacts to federally listed plants, and includes loss of habitat, direct impact to individuals, and increased collection of individuals. The Service recommends that other types of impacts be analyzed here,

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Response(s)

F2av Comment noted. The BLM does not agree with the commenter's opinion that the vulnerability model used to assess residual impacts on water resources is inadequate and, therefore, that the results are flawed. The impact criteria and the methodology for assessing impacts on water resources were developed in coordination with the Agency Interdisciplinary Team, including cooperating agencies.

F2aw See the response to Comment F2bn for an understanding of how conditional language of selective mitigation measures relates to the sequence of impact analysis and mitigation planning and development of the POD for the selected route.

In the case of some resources (e.g., biological, cultural, and paleontological resources), post-EIS pedestrian surveys using agency-approved protocols would be required, the results of which would help refine the mitigation requirements and inform the POD.

F2ax The BLM intends that all selective mitigation measures will be implemented in all riparian and wetland vegetation communities identified during preconstruction surveys and documented in the construction POD.

F2ay Selective Mitigation Measure 4, as described in Table 2-13, states that only trees greater than 5 feet tall would be cleared in riparian habitats for initial transmission line construction and during maintenance. In contrast, the standard practice in other vegetation communities would be to clear all vegetation with the potential to reach heights of 5 feet or greater. The description of Selective Mitigation Measure 4 in the vegetation section of Chapter 3 incorrectly stated that only vegetation greater than 12 feet tall would be cleared in riparian habitats; this has been corrected.

As the paragraph referenced in this comment is describing potential impacts on resources prior to implementation of selective mitigation measures, it would not be appropriate to modify the paragraph to include a description of Selective Mitigation Measure 4. However, greater specificity has been added to the paragraph describing impacts on riparian, water, and wetland vegetation communities to reiterate how selective mitigation measures were applied to reduce high initial impacts on these areas.

F2az Text has been modified as recommended.

F2ba Bulleted lists in Table 3-65 have been edited to include all direct and indirect effects identified in the analysis of impacts on special status plant species.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2ba					including, but not limited to, indirect effects described in the vegetation section of the EIS, such as transportation of seeds by machinery and vehicles, decrease of population connectivity through reduced gene flow and pollinator movement (page 3-225), and indirect effects described in the section on indirect effects for federally listed species on page 3-273. .
F2bb	3.2.6.4.1	3-269	Inventory	Julie Reeves	The citations for Federal special status plant species that potentially occur in the study corridors are from 2010 and 2011. The Service recommends that applicants seek new species lists every 90 days or whenever a Project changes, and so we recommend that the FEIS include species lists from 2013, which can be generated by visiting the Service's IPaC website (http://www.fws.gov/ipac/).
F2bc	3.2.6.4.1	3-270	Table 3-66	Julie Reeves	The western prairie fringed orchid is listed a threatened species in Table 3-66, though it is never mentioned again in the special status plant species section of the DEIS. The Service recommends including indirect impacts to this species resulting from water use in the Platte River drainage on page 3-273. The Service also recommends that the western prairie fringed orchid be added to Table 3-68 on page 3-277 unless the species' specific impacts and avoidance and minimization measures will be addressed elsewhere in this section of the document.
F2bd	3.2.6.4.3	3-272	Paragraph: 2	Amy Defreese	Recommend that the EIS include geotechnical and other surveys as an activity analyzed for impacts to special status plant species during the construction season. Alternatively, label these surveys pre-construction surveys. For special status plants like clay phacelia, survey activities (driving ATVs across habitat, walking across habitat, etc.) could affect the plants and their habitat.
F2be	3.2.6.4.3	3-273	Paragraph: 3	Amy Defreese	Recommend that the EIS include the trampling of special status plants as an impact posed by automobile traffic, human foot-traffic, construction and maintenance equipment. It appears that the only Project activity considered in this section about Direct Effects is vegetation removal. There are other construction and maintenance activities that will directly affect special status plant species such as piling of spoil material, soil excavation, release of liquid chemicals, gravel deposition for roads or other structure beds, installation of culverts, installation of water bars, etc. Recommend that the EIS disclose these direct effects here.
F2bf	3.2.6.4.3	3-273	Paragraph: 5	Amy Defreese	Recommend that the EIS include the following in this section about Indirect Effects: • the potential for construction and maintenance activities in riparian areas to alter the hydrology on plants such as Ute ladies'-tresses depend.
F2bg	3.2.6.4.3	3-273 to 3-276	Types of potential effects & mitigation planning	Julie Reeves	The Service acknowledges the description of potential direct and indirect impacts to federally listed threatened, endangered, proposed, and candidate species as a result of the Project. We understand that Project Design Features 1, 2, 3, 5, 9, 26, 27, 28, and 30, and Selective Mitigation Measures 1, 2, 3, 5, 7, 12, and 15 are proposed to avoid and minimize impacts to listed plants. Design Feature 9 states that "Where avoidance is not feasible, special status plants and their habitats would be treated in accordance with applicable law, regulation and agency policy." The Service recommends that areas where avoidance is not feasible be identified in the NEPA and section 7 consultation as soon as they are identified. It is worrisome, therefore, that Design Feature 28 states that "This [Design Feature] would minimize impacts on special status plant habitat and populations throughout the Project corridor, especially in habitat areas that may not have been identified prior to commencement of construction." The Service anticipates that all federally listed species habitats will be identified prior to Project construction, and impacts are analyzed in the NEPA and section 7 consultation.

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Response(s)

F2bb Species lists have been updated using the IPaC database website.

F2bc Potential indirect impacts on this species resulting from water depletions have been included in the text as specified. A subsection has been added to explain how potential impacts on western prairie fringed orchid from water depletions will be assessed through Section 7 consultation. This information has also been added to the relevant section in Appendix J.

As the Project does not directly cross habitat for this species, selective mitigation measures cannot be assigned to minimize initial impacts on this species. Additionally, no design feature of the Proposed Action for environmental protection or selective mitigation measure specifically addresses water depletion effects on downstream systems. Therefore, this species is not included in Table 3-68.

F2bd Overland vehicle access for geotechnical surveys and foot traffic for preconstruction special status species surveys have been added as actions that could potentially impact special status plants and habitat. Additional coordination with the FWS will occur for ESA-listed plant species during the Section 7 consultation.

F2be Discussion of direct impacts has been revised to describe in greater detail the types of actions that would be involved in Project construction activities. Additional coordination with the FWS will occur for ESA-listed plant species during the Section 7 consultation.

F2bf This type of potential indirect impact has been included in the effects analysis as recommended. Additional coordination with the FWS will occur for ESA-listed plant species during the Section 7 consultation.

F2bg (A) See response to Comment F2bn for an understanding of how conditional language of selective mitigation measures relates to the sequence of impact analysis and mitigation planning and development of the POD for the selected route.

(B) The referenced text was incorrect and has been edited. Preconstruction surveys will occur in habitat for federally listed species identified by the agencies. It is assumed that all potential habitat will be adequately identified prior to surveys.

(C) Analysis of impacts on special status plants and habitat in the EIS and BA will be based on currently available habitat and population data. As the EIS and BA will be published prior to the RODs and any preconstruction species surveys, reinitiation of the Section 7 process would occur if impacts on species are anticipated beyond what was analyzed in the BA and the FWS-issued Biological Opinion.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2bh	3.2.6.4.3	3-276	Mitigation Planning and Effective-ness	Julie Reeves	The DEIS describes a Plant and Wildlife Species Conservation Measures Plan to be developed for the POD. The Service anticipates that this plan will be developed with the input of biologists from our various state field offices.
F2bi	3.2.6.4.3	3-277	Table 3-68	Amy Defreese	Many of the design features and selective mitigation measures presented in this section omit various clauses that limit their effectiveness. For example, Selective Mitigation Measure 7 omits the following language found in Table 2-13: "Within the limits of standard tower design and in conformance with engineering and Applicant requirements…". The effectiveness of these design features and selective mitigation measures is greatly reduced with the application of these clauses. We do not agree that as written, these selective mitigation measures reduce initial impacts as long as these clauses are in place. Recommend revising Table 3-68 or ensuring that these conditional selective mitigation measures are applied without the conditions.
F2bj	3.2.6.4.3	3-277	Table 3-68	Amy Defreese	For clay phacelia, we do not agree that the application of selective mitigation measures reduce initial impacts from high to moderate for the following reasons: 1) the selective mitigation measures are not absolute (see previous comment); and 2) as long as the transmission line crosses suitable habitat, there is reduced ability for the Service to recover the species. Suitable habitat for clay phacelia is extremely limited and isolated to the area around Spanish Fork canyon. We strongly recommend that you modify the residual impact for clay phacelia from moderate to high.
F2bk	3.2.6.4.3	3-277 to 3-282	Table 3-68	Julie Reeves	Table 3-68 summarizes initial and residual impacts on special status plant species. The Service recommends that Proposed Threatened species follow the Endangered and Threatened species sections, then followed by Candidate and Petitioned species. The description of Proposed Threatened species on page 3-282 includes both the Graham's beardtongue and the White River beardtongue, though only the Graham's is included in Table 3-68 (White River is listed as a Candidate). Consider revising the status of White River beardtongue in Table 3-68.
F2bl	3.2.6.4.3	3-282	Graham's Beardtongue	John Toolen	The DEIS states "The level of initial impacts of the Project on Graham's beardtongue was determined to be moderate based on this species' small population size and the potential for impacts on have adverse effects on species but not severely limit the long-term sustainability of populations." The sentence, as written does not make sense. Consider revising.
F2bm	3.2.6.4.3	3-282	Graham's Beardtongue	John Toolen	The DEIS states "Following application of selective mitigation measures aimed at avoiding and spanning populations and habitat of special status plant species, the level of residual impacts on this species was determined to be low as it is likely that the majority of habitat and plants could be avoided by tower sites and roads." Based on this analysis, it is unclear what the impacts would be, as majority is a vague term. Consider revising.
F2bn	3.2.7 and 3.2.8	All	All	Kevin Kritz	Wherever design features and mitigation measures include the phrase "where practical" or "when possible," this conditional manner indicates that whether these measures will or will not be implmemented is potentially up to chance. These statements should be revised so that implementation is not conditional, but rather certain. If the proponent cannot commit to such measures, then inclusion of mitigation measures and design features that are conditional do not provide real conservation value.
F2bo	3.2.7.1	3-325	Paragraph: 4	Amy Defreese	Chapter 3.2.7 identifies migratory birds as a resource that will be analyzed for effects from the proposed Project. This chapter only minimally addresses migratory birds. The majority of the text and analysis is dedicated to mammals/big game. Recommend that the EIS expand and improve its analysis for migratory birds in this Chapter.
F2bp	3.2.7.1.1	3-326	Regulatory	Julie Reeves	The MOU between BLM and the Service under EO 13186 includes

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Response(s)

F2bh If the Project is approved, the POD, including the Plant and Wildlife Species Conservation Measures Plan, would be developed for the selected route in coordination with cooperating agencies, including the FWS.

F2bi (A) Text for Selective Mitigation Measure 7 has been edited to reflect language in Table 2-13.

(B) See response to Comment F2bn for an understanding of how conditional language of selective mitigation measures relates to the sequence of impact analysis and mitigation planning and development of the POD for the selected route.

F2bj Comment noted. Impact criteria were developed in coordination with the Agency Interdisciplinary Team, including FWS representatives. Additional coordination with the FWS will occur for this species during Section 7 consultation.

F2bk The FWS proposal to list these species as threatened under the ESA and to designate critical habitat was withdrawn on August 6, 2014. Analysis of impacts on these species has been retained in the document as presented in the Draft EIS as these species now are indicated as being BLM sensitive species.

F2bl Text edited for clarity and to correct typographical error.

F2bm Text has been edited to clarify how residual impact levels were assigned.

F2bn See next page for response to F2bn.

F2bo See next page for response to F2bo.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

Response(s) - continued

F2bn

Refer to Section 2.4 of the document. The conditional language referred to in the comment is relative to the sequence of impact analysis and mitigation planning, followed by development of the POD for the selected route. That is, the POD would be refined during detailed design and engineering once a route has been selected for construction of the Project. Refinements must be either (1) consistent with the outcome of the impact assessment and mitigation planning disclosed in this EIS, or (2) supplemental NEPA review would be required. The content of the POD, which is carried forward from and/or refined from the information and data disclosed in the EIS, consists of (1) background information, direction, and implementation plans and (2) detailed mapping to facilitate execution of environmental protection measures. Background information and direction includes the Project description, including an explanation of Applicant's and agencies' roles and responsibilities; description of construction, operation, and maintenance activities; specification of land use and access; and description of design features and other measures for environmental protection to avoid sensitive environmental resources. In the case of some resources (e.g., biological, cultural, and paleontological resources), post-EIS, pedestrian, agency-approved surveys would be required, the results of which would help refine the mitigation requirements and inform the POD.

F2bo

The BLM, FWS, and the Applicant are engaged in ongoing discussions regarding the analysis of potential effects on migratory birds. The analysis for migratory birds was revised and expanded for the Final EIS and reflects these discussions. The revised analysis is presented in Section 3.2.9.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2bp			framework		reference to migratory bird habitats, but that is not reflected in this summary. The Service recommends changing the language to better reflect the language of the MOU: "...outlines a collaborative approach to promote the conservation of migratory bird populations [and their habitats] and is intended to strengthen migratory bird conservation efforts..."
F2bq	3.2.7.3	3-329	Regional setting	Julie Reeves	The DEIS states that "Both habitats are identified as key habitat types and a priority for conservation actions in Swaps for Wyoming, Colorado, and Utah." The Service recommends that "Swaps" be defined here or that this sentence be revised.
F2br	3.2.7.4.1	3-330	Birds	Kevin Kritz	The Service recommends that the EIS include a list of all migratory bird species known or likely to occur in the Project area and its vicinity. This list could be placed in an Appendix but then also there should be a reference to this list in the Birds section. Also in the Birds section in the first paragraph, it states that "waterfowl likely to be present" and "many bird species likely to be present in the Project area are migratory birds." In both cases it is unclear why "likely" is used in reference to these bird species. It is known that many waterfowl and other migratory bird species are present in the Project area and this should be stated as such.
F2bs	3.2.7.4.1	3-330 to 3-338	Inventory vs. Potential Effects	Julie Reeves	The Inventory section describes birds in general, while the Types of Potential Effects section describes birds and raptors in separate paragraphs. The Service recommends that the EIS analyze the Project's impacts similarly for all resources, and that sections within the same chapter crosswalk effectively.
F2bt	3.2.7.4.2	3-334	Paragraph: 4	Amy Defreese	This section does not address pre-construction activities such as surveys and geotechnical activities. These activities need to be "deconstructed" to include all potential sub-activities that may impact wildlife (e.g. noise and vibrations due to drilling and soil sampling, noise and disturbance from helicopter travel to remote sites, etc.). Scope of Analysis is incomplete without consideration of these pre-construction activities. Recommend that the EIS include them in this section.
F2bu	3.2.7.4.3	3-334	Paragraph: 6	Amy Defreese	This section does not address pre-construction activities such as surveys and geotechnical activities. These activities need to be "deconstructed" to include all potential sub-activities that may impact wildlife (e.g. noise and vibrations due to drilling and soil sampling, noise and disturbance from helicopter travel to remote sites, etc.). Impact Assessment is incomplete without consideration of these pre-construction activities. Recommend that the EIS include them in this section.
F2bv	3.2.7.4.3	3-334 to 3-335	All	Kevin Kritz	Repeatedly in this section impacts are referred to as "potential," which is confusing. This transmission line Project will result in many direct and indirect impacts to wildlife. The section should be revised to eliminate the use of the qualifier "potential."
F2bw	3.2.7.4.3	3-335	Paragraph: 2	Amy Defreese	This paragraph does not address pre-construction activities such as surveys and geotechnical activities. These activities need to be "deconstructed" to include all potential sub-activities that may impact wildlife (e.g. noise and vibrations due to drilling and soil sampling, noise and disturbance from helicopter travel to remote sites, etc.). Disclosure of potential effects and analysis is incomplete without consideration of these pre-construction activities. Recommend that the EIS include them in this section.
F2bx	3.2.7.4.3	3-335	Paragraph: 4	Amy Defreese	This paragraph does not address pre-construction activities such as surveys and geotechnical activities. These activities need to be "deconstructed" to include all potential sub-activities that may impact wildlife (e.g. noise and vibrations due to drilling and soil sampling, noise and disturbance from helicopter travel to remote sites, etc.). Disclosure of direct effects to bird habitat and analysis is incomplete without consideration of these pre-

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Response(s)

F2bp Text has been edited as requested.

F2bq SWAPs are defined in Section 3.2.7.1.1 and in the List of Acronyms and Abbreviations.

F2br A list of migratory birds known or likely to occur in the Project area is included in Appendix J, Table J-6. The analysis of potential effects on migratory birds has been revised and is included in Section 3.2.9 of the Final EIS.

F2bs In this case, the types of potential effects are different in many aspects and thus warrant separate sections.

F2bt Surveys and geotechnical activities are considered a subset of all construction activities as described in Section 3.2 of Appendix B. Surveys and geotechnical activities are considered jointly with all other construction activities in the analysis of potential effects analyzed in the Draft EIS because they spatially (i.e., they occur within the same footprint) and temporally overlap with other construction activities (refer to Table 8a and 8b in Appendix B for the Project Duration Schedule). For example, the BLM understands the Applicant considers the geotechnical investigation as the first step of Project construction. Text in the Final EIS has been edited for clarity.

F2bu See response to Comment F2bt.

F2bv The purpose of the EIS is to evaluate and disclose the potential Project-related environmental impacts that could result from implementation of the Proposed Action and alternatives of the Proposed Action. While impacts resulting from the Proposed Action can be anticipated using the best available information, actual impacts cannot be known for certain.

F2bw See response to Comment F2bt.

F2bx See response to Comment F2bt.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2bx					construction activities. Recommend that the EIS include them in this section.
F2by	3.2.7.4.3	3-335	Paragraph: 4	Amy Defreese	When describing the direct effects to migratory bird habitats within the Project area, recommend that the EIS identify the number and acreage of various habitat types that will be subject to removal, alteration, fragmentation, and vegetation damage during Project construction and implementation. Then, reference the bird species identified in Appendix E that are associated with each habitat type. The point is for the reader to understand, on a species level, that migratory bird habitats, for at least X number of species, will be lost, altered, fragmented, damaged, etc.
F2bz	3.2.7.4.3	3-335	Paragraph: 5	Amy Defreese	This paragraph does not address pre-construction activities such as surveys and geotechnical activities. These activities need to be "deconstructed" to include all potential sub-activities that may impact wildlife (e.g. noise and vibrations due to drilling and soil sampling, noise and disturbance from helicopter travel to remote sites, etc.). Disclosure of bird mortality and analysis is incomplete without consideration of these pre-construction activities. Recommend that the EIS include them in this section.
F2ca	3.2.7.4.3	3-335	Paragraph: 5	Amy Defreese	In response to this statement, "Trees and other vegetation would be removed selectively (e.g., edge feathering), and trees more than 12 feet tall would be removed selectively in riparian and tree nesting habitats" we have these comments: 1) Please identify the source of these measures (e.g. design feature, selective mitigation measure, etc.; 2) Who will determine what represents riparian and tree nesting habitats? And 3) Selective Mitigation Measure 4 contradicts this statement as it calls for selective removal of trees in riparian areas that are over 5 feet tall. Please ensure the Selective Mitigation Measure is consistent with the text in this section.
F2cb	3.2.7.4.3	3-335 to 3-338	Direct and Indirect Effects to Birds	Kevin Kritz	Generally, the description of both Direct and Indirect Effects to Birds is inadequate. Any description of Project effects should be comprehensive of the total footprint of the Project, including the transmission line, roads, substations or other equipment stations, staging areas, equipment yards, construction camps, etc. Impacts should also include all those associated with construction and operation and maintenance over the life of the Project. Impacts associated with transmission lines include direct loss of birds due to collisions with motor vehicles, crushing of burrows or nests, and the direct loss or degradation of bird habitat. Transmission lines also create a risk for electrocution and collision for birds that can result in direct mortality. Other impacts include: species displacement, barrier effects, fragmentation of bird habitat, disturbance due to noise, increased predation rates, creation of mammalian predator travel lanes, increased nest parasitism, invasive plant species, lower wildlife density, increase in trash/human waste , and increase in off road vehicle traffic (quads, dirt bikes, etc.). Project roads and rights of way provide increased human access that can result in increased levels of poaching or malicious shooting of wildlife. Placing new transmission lines in western habitat types can increase the risk of wildland fire, perhaps greatly in the most arid habitat types. This is especially a concern for sage-steppe habitat given that a high proportion of this type has already been degraded through various management practices, wildfire, and invasive plant species. Power lines also provide perches and nest sites for raptors and ravens and will likely result in higher population levels for some raptors and ravens resulting in higher predation levels on ground nesting/dwelling wildlife species.
F2cc	3.2.7.4.3	3-335 to 3-338	Direct and Indirect Effects to	Kevin Kritz	Transmission line Project effects are not just restricted to a 250 foot ROW but rather they extend outward and away from this ROW to varying distances depending on the type of impact and the species and habitat types

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Response(s)

F2by The analysis of potential effects on migratory birds has been revised and is included in Section 3.2.9 of the Final EIS.

F2bz See response to Comment F2bt.

F2ca Text has been edited for clarity. The process for application and agency review of selective mitigation measures applied during preparation of the POD is described in Section 2.4 of the Final EIS.

F2cb See response to Comment F2bo.

F2cc Indirect effects on wildlife, including effects that extend outside of the potential rights-of-way are identified and discussed in Section 3.2.7.4.3. As described in the beginning of Section 3.2.7.4.2, the geographic scope of analysis for wildlife resources was the 2-mile-wide study corridor (i.e., 1 mile on either side of the reference centerline) for each route, and was not limited to the 250-foot potential right-of-way.

The analysis for migratory birds was expanded for the Final EIS, and is presented in Section 3.2.9.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2cc			Birds		present. So in describing the effects, the EIS should at least acknowledge that impacts like habitat fragmentation, species displacement, increased predation levels, etc. extend beyond the ROW. Management of the transmission corridor post-construction will have other ongoing impacts to wildlife including motor vehicle and helicopter traffic for inspections and maintenance. Use of herbicides to control vegetation and cutting of woody vegetation to prevent contact with lines will impact wildlife and their habitat. Lastly in terms of many of the impacts associated with transmission line construction the effects of the impact extend beyond the immediate 250 foot ROW corridor (e. g. fragmentation, barrier effects, increase predation on ground nesting birds, etc.) and this should be acknowledged in the EIS. Given that habitat acres lost or degraded by this Project can likely be estimated the discussion of effects to birds should include a data table showing acres associated with this impact by major habitat types and a related discussion.
F2cd	3.2.7.4.3	3-335 to 3-338	Direct and Indirect Effects to Birds	Kevin Kritz	Of concern in this section is the repeated use of such qualifiers as "may be possible," "can alter," and "may occur." If this transmission line is built, there will be impacts and this should be stated and acknowledged with direct language in the EIS. For instance there will be habitat loss and fragmentation associated with this Project. The amount of habitat loss can likely be quantified whereas the amount and extent of fragmentation effects probably cannot given the state of science around this impact type.
F2ce	3.2.7.4.3	3-336	Paragraph: 0	Amy Defreese	In response to the following sentence: "The direct impacts would also be reduced by avoiding vegetation clearing and construction and maintenance activities during migratory bird nesting season," we recommend that you fully disclose that this measure will only be applied "when possible" as articulated in the text of the Table 2-8 Design Features. The residual effect of "Full avoidance" is very different than that of "avoidance when possible."
F2cf	3.2.7.4.3	3-336	Bird electrocution	Kevin Kritz	Even if the proponent uses all the available BMP's from the APLIC 2006 manual in constructing the transmission line there will still be risk of some birds being electrocuted. The risk is not zero. For example, the APLIC 2006 standards with a separation of 60 inches in areas where eagles occur will greatly reduce eagle electrocutions. However the 60 inch standard is based on dry feathers. If an eagle (or other large birds with similar wingspans) that has wet feathers touches a line built to the 60 inch standard, they can still be electrocuted.
F2cg	3.2.7.4.3	3-336	Paragraph: 2	Amy Defreese	Recommend that the EIS reference Selective Mitigation Measure 14 here.
F2ch	3.2.7.4.3	3-337	Raptors	Kevin Kritz	Given that raptors are one of the groups of migratory birds most at risk of being electrocuted or colliding with power lines, this topic should be added to the discussion of direct effects under the raptor section. Also for indirect effects to raptors, nests built on transmission structures can catch fire resulting in both line outages and take of raptors and/or their eggs or young.
F2ci	3.2.7.4.3	3-337	Paragraph: 2	Amy Defreese	Recommend that that the EIS define "Active nests" for raptors in this paragraph. Recommend that BLM also introduce the terms "occupied and unoccupied" raptor nests as the definitions (and recommended protections per Romin and Muck, 2002) are different than "active and inactive" nests.
F2cj	3.2.7.4.3	3-340	Paragraph: 6	Amy Defreese	Design Feature 6 is not accurately described here. In the text here, we recommend that the EIS state that this measure will only be applied "when possible" (based on our reading of Design Feature 6 in Table 2-8). This clause greatly reduces the efficacy of the measure.
F2ck	3.2.7.4.3	3-340	Mitigation Planning and Effective-	Julie Reeves	Design Feature 6 aims to avoid and minimize impacts to nesting migratory birds by including seasonal restrictions on Project activities. The phrasing of this Design Feature includes "approval by agency biologists." However, it is unclear which agency to which this is referring. The Service is the lead

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Response(s)

F2cd See response to Comment F2bv.

F2ce The recommended modification is reflected in the Final EIS.

F2cf The BLM acknowledges that bird electrocution is possible and risk increases when a bird's feathers are wet. However, as depicted in Appendix B of the Final EIS, the two lower phases of conductors of the 500-kilovolt (kV) transmission line are 55.5 feet apart. The 500kV H-frame conductors for all three phases of conductors are 37 feet apart. Typically, issues with bird electrocution occur on lines smaller than 69kV.

F2cg The application of Selective Mitigation Measures 6 and 14 have been reconsidered in the impact assessment and mitigation planning process based on comments received and discussion with the FWS. Text has been edited to reflect this change.

F2ch Discussion of potential risk of collision and electrocution of raptors has been revised.

F2ci Terms have been defined in Appendix J, Section J.8. Reference to this section has been made where appropriate.

F2cj The recommended modification is reflected in the text of the Final EIS.

F2ck Design Feature 6 relates to BLM or USFS biologists tasked with ensuring compliance with the POD during construction and maintenance activities, not identifying the seasonal restrictions to be included in the POD. These requirements will be established in the NEPA POD to be developed in coordination with the cooperating agencies and included as a condition of the BLM and USFS RODs. See also the response to Comment F2aa.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2ck			ness		Federal agency tasked with managing migratory birds, while other Federal agencies are tasked with managing land. We recommend that this and other Design Features be clarified to state precisely which agency will be contacted for recommendations on wildlife; in this case, the Design Feature should be changed from agency biologist to Service biologist.
F2cl	3.2.7.4.3	3-342	Paragraph: 2	Amy Defreese	Selective Mitigation Measure 1: The text here does not reflect the text for this measure in Table 2-13. There are significant differences relative to the level of protection provided. Recommend that the correct measure is used consistently throughout the document.
F2cm	3.2.7.4.3	3-342	Paragraph: 3	Amy Defreese	Selective Mitigation Measure 2: The text here does not reflect the text for this measure in Table 2-13. There are significant differences relative to the level of protection provided. Recommend that the correct measure is used consistently throughout the document.
F2cn	3.2.7.4.3	3-342	Paragraph: 6	Amy Defreese	Selective Mitigation Measure 7: The text here does not reflect the text for this measure in Table 2-13. That is, Table 2-13 indicates that this measure will be applied "within the limits of standard tower design and in conformance with engineering and applicant requirements." This clause is not identified in the text at this location. There are significant differences relative to the level of protection provided. Recommend that the correct measure is used consistently throughout the document.
F2co	3.2.7.4.3	3-343	Selective Mitigation Measure 14	Julie Reeves	Selective Mitigation Measure 14 describes the use of flight diverters and perch deterrents for the reduction in collision and electrocution risk by migratory birds. The Service recommends adding "and corvids" to the sentence describing use of perch discouragers: "This measure may also include the use of devices to deter raptors [and corvids] from perching on transmission line structures."
F2cp	3.2.7.4.3	3-343	Paragraph: 4	Amy Defreese	The Effects Analysis does not describe methodology for identifying and analyzing effects to migratory birds and raptors. Recommend including migratory birds and raptors in the Effects Analysis section.
F2cq	3.2.7.4.3	3-343 to 3-346	Effects Analysis	Julie Reeves	The Effects Analysis, as written, only pertains to big game. Where is the effects analysis for other wildlife species?
F2cr	3.2.7.4.3	3-343 to 3-346	Effects Analysis	Julie Reeves	The effects analysis does not analyze effects of the Project on migratory birds and their habitats. This is an issue that the Service identified early into Project scoping and has not been adequately addressed. The Service has requested that the applicant provide a detailed description of the Project and its effects to migratory birds and their habitats (e.g. a HEA), a description of avoidance and minimization measures to limit those effects, and then voluntary compensation (mitigation) funds to offset the ipacts tomigratory birds as based on results of the analysis. The Service has referred to this applicant-derived document as a Migratory Bird Conservation Plan (MBCP), and has written to the BLM and Forest Service Project managers for EGS to request that the applicant provide this document.
F2cs	3.2.7.4.3	3-343	Paragraph: 5	Amy Defreese	The Criteria for Assessing Level of Impacts section does not consider migratory birds. Recommend creating a section to address these criteria specific to migratory birds and raptors.
F2ct	3.2.7.4.3	3-344	Table 3-79	Amy Defreese	Table 3-79 does not include any criteria specific to migratory birds. It does not include criteria relevant to migratory birds such as fragmentation of habitat or impacts to nesting areas during sensitive seasons. Recommend creating a Table specific to migratory birds and raptors.
F2cu	3.2.7.4.3	3-344	Table 3-79	Amy Defreese	Table 3-79: Whether migratory birds are considered in this table is not clear, so the reader must make assumptions. As such, we disagree that "loss or disturbance of crucial, critical or severe wildlife habitats that occurs outside sensitive periods" has a "low" level of impact. Loss of nesting habitat (regardless when it occurs) may be a "high" level of impact.
F2cv	3.27.4.3	3-345	Table 3-80	Amy	Table 3-80: This table should include migratory birds. Alternatively, we

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Response(s)

F2cl The text referenced in Section 3.2.7.4.3 is intended to describe how the selective mitigation measure (which is applicable to multiple resources) will be applied for wildlife resources. Selective mitigation measures are now being presented to account for the variation between multiple resources while reflecting how it is being applied by individual resources. Further, the BLM will refine specific application of selective mitigation measures in cooperation with cooperating agencies, including the FWS, and the Applicant during preparation of the POD. The process for application and agency review of selective mitigation measures applied during preparation of the POD is described in Section 2.4 of the Final EIS. As described in Section 2.5.1.2 and 3.2.8.4.1 under the heading Mitigation Planning and Effectiveness, the results of preconstruction surveys would be used by the agencies to refine the mitigation requirements and further inform the POD.

F2cm See response to Comment F2cl.

F2cn See response to Comment F2cl.

F2co See response to Comment F2cg.

F2cp See response to Comment F2bo.

F2cq The commenter references a subsection of the wildlife analysis describing the quantitative comparison of alternative routes and route variations based on the data available for analysis. The full wildlife effects analysis is contained in Section 3.2.7.4.3 and includes identification of potential effects on birds, raptors, mammals, big game, and reptiles.

F2cr The analysis of potential effects on migratory birds has been revised and is included in Section 3.2.9 of the Final EIS. The BLM, FWS, and the Applicant are engaged in ongoing coordination regarding the potential need for mitigation for impacts on migratory bird habitats. Mitigation requirements will be outlined in the BLM ROD.

F2cs See response to Comment F2bo.

F2ct See response to Comment F2bo.

F2cu The criteria for assessing level of impacts on wildlife were developed in coordination with the Biological Resource Task Group established for the Project (refer to Section 6.2.2.1 for a description), including biologists from FWS. The analysis for migratory birds was revised and expanded for the Final EIS. The revised analysis is presented in Section 3.2.9

F2cv See response to Comment F2bo.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2cv				Defreese	recommend that the EIS include a footnote that explains where one can find the summary of initial and residual impacts by habitat type for migratory birds.
F2cw	3.2.7.5	3-346	Paragraph: 3	Amy Defreese	Results: This section does not disclose direct and indirect effects of Project operation to migratory bird habitat (e.g. loss, alteration, and/or fragmentation of habitat). Recommend disclosing this Activity as a source of habitat loss, alteration, and fragmentation.
F2cx	3.2.7.5	3-346	Paragraph: 3	Amy Defreese	Recommend that the EIS include protections for occupied and unoccupied raptor nests (Romin and Muck 2002), not just active nests.
F2cy	3.2.7.5	3-346	Results	Julie Reeves	The Results section states that "representative species are discussed in Section 3.2.7.4" regarding migratory birds. Review of Section 3.2.7.4 does not locate representative bird species other than generalizations of upland game birds, "a wide variety of passerine species," and waterfowl families. Is there a more specific location for the description of representative species that could be provided here?
F2cz	3.2.7.5.4	3-347 to 3-405	Environmental consequences	Julie Reeves	The specific impacts to wildlife within the route comparisons are only given for big game. This section reads as if it is incomplete, as other wildlife groups (i.e., birds, mammals, and reptiles) are not analyzed here. The Service recommends that environmental consequences for all types of wildlife species be analyzed and provided in this section.
F2da	3.2.8.1.1	3-415	Colorado Regulatory Framework	John Toolen	The DEIS states "Colorado Sage-grouse Local Working Groups oversee three conservation areas that could be crossed by the Project (from east to west): Northwest Colorado, Piceance/Parachute/Roan Creek, and Pinon Mesa. These Working Groups have developed a Conservation Plan detailing the natural history, threats, and mitigation measures for sage-grouse in each conservation plan area; and conservation guidelines for any Project activities occurring in the area." The Pinon Mesa Sage-grouse working group is focused on Gunnison sage-grouse, not the greater sage-grouse. Including this working group with others focusing on greater sage-grouse appears to overstate the local working group input in this area and implies that Gunnison sage-grouse could be affected by the Project. Consider revising.
F2db	3.2.8.2	3-416	Table 3-96	Julie Reeves	The headers within Table 3-96 do not include reptiles, as reptiles are currently listed under "mammals." Consider revising.
F2dc	3.2.8.3	3-417	Paragraph: 3	Amy Defreese	The presentation of issues for analysis in this chapter is confusing. The text is unclear as to whether special status wildlife species include migratory birds, or if the focus is on a few special-status birds that fall into the category of migratory birds. Recommend that the EIS is clear in informing the reader where to find an analysis of impacts to migratory birds that are not listed under ESA, or designated as special status species by the Forest Service, BLM, or state.
F2dd	3.2.8.3	3-417	Paragraph: 3	Amy Defreese	We agree with this statement: "… any fragmentation to the currently limited contiguous riparian corridors could affect adversely yellow-billed cuckoo and southwestern willow flycatchers in the Project area." The same can be said for any migratory bird that uses riparian habitat at some point in its life-cycle. We recommend that you conduct this same type of analysis for that suite of migratory birds that are not "special status." The Service wishes to provide a review of that broader analysis of effects to migratory birds.
F2de	3.2.8.4.1	3-417	Federally listed species	Julie Reeves	The species lists that are identified here are from 2011. The Service typically recommends that Project developers with ongoing Projects access an updated species list every 90 days, and Projects should be re-analyzed whenever a species' status changes. We recommend that the BLM obtain more current species lists than from 2011.
F2df	3.2.8.4.2	3-421 to 3-422	Affects to birds	Julie Reeves	The Service acknowledges the analysis of direct and indirect effects of the Project on special status bird species. The information provided here should additionally be described for migratory birds within the EIS section 3.2.7

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Response(s)

F2cw See response to Comment F2bo.

F2cx Comment noted and text has been edited for clarity. Agency guidelines for raptor protection would be followed as identified in Chapter 2, Design Feature 8. Guidelines identified in Romin and Muck (2002) are directly referenced in Appendix J, where this design feature is explained further.

F2cy The analysis for migratory birds was revised and expanded for the Final EIS. The revised analysis is presented in Section 3.2.9. A list of migratory birds known or likely to occur in the Project area is included in Appendix J, Table J-6.

F2cz Data needed to conduct a quantitative comparison of alternative routes and route variations were not available for all wildlife resources. Text in Section 3.2.7.4.3 under the heading Effects Analysis has been revised for clarity. Potential direct and indirect effects of the Project on birds, other mammals, and reptiles are described in Section 3.2.7.4.3. Analysis of potential impacts on habitat types likely to be used by mammal and reptile species is included in Section 3.2.5.

F2da The recommended modification is reflected in the Final EIS. The Pinon Mesa sage-grouse working group is no longer listed in this section.

F2db This issue has been corrected.

F2dc See response to Comment F2bo.

F2dd See response to Comment F2bo.

F2de Updated species lists were obtained and incorporated into the analysis for the Final EIS.

F2df See response to Comment F2bo.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2df					wildlife species effects analysis for migratory birds, as the effects of the Project will affect special status migratory birds similarly to this document's definition of non-special status migratory birds.
F2dg	3.2.8.4.3	3-421		Amy Defreese	General Recommendation: In the section of the EIS with broad characterizations of direct and indirect effects of the Project to birds, we recommend that the EIS discuss the specific effects of bird mortality and injury that may result from the use of specific types of transmission line towers. The document references APLIC standards, but never discloses how the choice of specific towers and other structures will lessen the impact of the Project on birds. This information may be better suited for Section 3.2.7, but is also applicable here.
F2dh	3.2.8.4.3	3-421	Paragraph: 2	Amy Defreese	Please provide a more specific location where the reader can find the effects analysis for special status passerine and waterfowl birds. Recommend that the EIS include the sub-section (e.g., 3.2.7.2 and page numbers). Because Section 3.2.7 is 80 pages long, it is difficult for the reader to find this information.
F2di	3.2.8.4.3	3-421	Paragraph: 5	Amy Defreese	Please provide a more specific location where the reader can find the effects analysis for special status raptors and migratory birds. Recommend that the EIS include the sub-section (e.g., 3.2.7.2 and page numbers). Because Section 3.2.7 is 80 pages long, it is difficult for the reader to find this information.
F2dj	3.2.8.4.3	3-421	Paragraph: 5	Amy Defreese	It is unclear how the types of direct effects to raptors are exactly the same as those expected for all migratory birds. Recommend that the EIS provide clarification by defining use of the term "migratory birds."
F2dk	3.2.8.4.3	3-422	Paragraph: 1	Amy Defreese	It is unclear how the types of indirect effects to raptors are exactly the same as those expected for all migratory birds. Recommend that the EIS provide clarification by defining use of the term "migratory birds."
F2dl	3.2.8.4.3	3-422 to 3-440	Greater sage-grouse	Julie Reeves	The section under "Direct Effects" for greater sage-grouse appears to imply that the Project will have a minimal effect on the greater sage-grouse because overutilization and inadequacy of existing regulatory mechanisms will not be affected by the implementation of the Project. This section could be improved greatly if it explained what the impacts would be instead of would not be, in reference to the Service's 12-month finding on greater sage-grouse. Furthermore, this section should be rearranged to focus on the impacts rather than the non-impacts. Finally, in addition to direct loss of birds, it would be helpful to arrange this section to follow the order of the five factors analyzed in the Service's 12-month finding: 1) damage to, or destruction of a species' habitat; 2) overutilization of the species for commercial, recreational, scientific, or educational purposes; 3) disease or predation; 4) inadequacy of existing protection; and 5) other natural or manmade factors that affect the continued existence of the species. Table 3-100 has these factors in order, though the text appears in a random order. We recommend revision for clarity.
F2dm	3.2.8	3-422 to 3-449	Greater sage-grouse	Lynn Gemlo	The Conservation Objectives Team (COT) Report (USFWS 2013), developed by state and Service representatives, contains range-wide conservation objectives for sage-grouse to define the degree to which threats need to be reduced or ameliorated to conserve sage-grouse so that it is no longer in danger of extinction or likely to become in danger of extinction in the foreseeable future. Priority Areas for Conservation (PAC), Identified in the COT Report, delineate key greater sage-grouse habitats and maintenance of those habitats as being essential for sage-grouse conservation. The Service recommends and supports implementation of the conservation measures within the COT Report as significant to reduce or ameliorate threats and to ensure the long-term viability of sage-grouse.

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Response(s)

F2dg See response to Comment F2bo.

F2dh The comparison of local routing options, or route variations, considered for some segments of the alternative routes has been moved to Appendix F

F2di See response to Comment F2dh.

F2dj The analysis for migratory birds was revised and expanded for the Final EIS.

F2dk See response to Comment F2dj.

F2dl Text has been edited for clarity.

F2dm Comment noted. Under any of the alternative routes and route variations, the Applicant would develop a voluntary sage-grouse conservation and mitigation plan in coordination with the agencies for the Agency Preferred Alternative (refer to Appendix K). The mitigation plan will offer measures to avoid, minimize, or compensate for all Project effects characterized by the framework and identified in the EIS that could not be mitigated or avoided using measures in BLM or other agency plans, including losses of habitat services quantified using the Habitat Equivalency Analysis.

Comment(s)

Response(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2dn	3.2.8.4.3	3-424	Table 3-98	Amy Defreese	Recommend that the EIS include a pre-construction phase in the first column of this table. This phase should include geotechnical activity and engineering surveys.
F2do	3.2.8	3-431	All	Lynn Gemlo	Average distance between a female's nest and the lek on which she was first observed ranged from 3.4 km (2.1 mi) to 7.8 km (4.8 mi) in 5 studies examining 301 nest locations (Schroeder et al 2009, p. 12). Based on this literature, and that you are stating no restrictions past 4 miles of leks, there is the potential that many sage-grouse are not being conserved. Describe what are appropriate spatial buffers? Likely, that is not enough to protect sage-grouse from disturbances and impacts.
F2dp	3.2.8	3-433	17-20	Lynn Gemlo	Sage-grouse populations can be significantly reduced, and in some cases locally extirpated, by non-renewable energy development activities, even when mitigative measures are implemented (Walker et al. 2007). Although data are limited, impacts resulting from renewable energy development are expected to have negative effects to sage-grouse populations and habitats due to their similarity in supporting infrastructure (Becker et al. 2009; Hagen 2010; LeBeau 2012; USFWS 2012).
F2dq	3.2.8	3-432	Noxious Weeds 2nd paragraph	Lynn Gemlo	It is critical to clearly articulate how success is measured and when it has been achieved, particularly in reducing substantially noxious weeds in sage brush habitat.
F2dr	3.2.8	3-433	2nd paragraph	Lynn Gemlo	Direct loss of sage-grouse habitat CANNOT be minimized by restoration. Restoration is a form of mitigation after the impacts occurred. Restoration of sage habitats has been shown not to have a high success rate.
F2ds	3.2.8.4.3	3-442 to 3-446	Design Features and Selective Mitigation Measures	Julie Reeves	The Service acknowledges that Design Features 3, 4, 6, 7, 8, 26, 27, 28, 30, and 39 and Selective Mitigation Measures 2, 4, 5, 6, 7, 11, 12, 13, 14, and 15 are proposed to avoid and minimize potential impacts to sensitive wildlife species.
F2dt	3.2.8.4.3	3-442	Paragraph: 6	Amy Defreese	Design Feature 4: This measure is not meaningful unless the document discloses the specific choices (in terms of structure types and design of the line) Rocky Mountain Power has made to minimize effects of structures to birds. We recommend that the EIS provide more detail to this effect.
F2du	3.2.8.4.3	3-443	Paragraph: 1	Amy Defreese	Design Feature 6: The text here omits some of the protective text provided in Table 2-8 (e.g., that the Feature applies to vegetation clearing). Recommend a review of Table 2-8 relative to the text of the measures provided in Chapter 3 to ensure consistency.
F2dv	3.2.8.4.3	3-443	Paragraph: 1	Amy Defreese	Design Feature 6: Some of the text from Table 2-8 was not carried forward to the text here. The text for Design Feature 6 in Table 2-8 states that this measure will be applied "when possible," which is not disclosed here. This is a significant clause that we recommend be carried through all of the resources analyzed in Chapter 3.
F2dw	3.2.8.4.3	3-443	Paragraph: 3	Amy Defreese	Design Feature 8: The text of this measure presented here references Table E-7 in Appendix E. The correct table appears to be E-14.
F2dx	3.2.8.4.3	3-443	Paragraph: 3	Amy Defreese	Design Feature 8: Recommend that the EIS include text to provide spatial and temporal buffers for unoccupied raptor nests as defined in Romin and Muck, 2002 (page 21).
F2dy	3.2.8.4.3	3-444	Paragraph: 4	Amy Defreese	Selective Mitigation Measure 2: We found the text here to be different from the text provided in Table 2-13 for this measure. In Table 2-13, the measure suggests no blading of new access roads in certain areas of sensitive resources (e.g. perennial streams, riparian areas, wetlands, historic trails) during construction or maintenance. The text provided in Section 3.2.8.4.3 implies that there will be no new access roads in sensitive resource areas (e.g. special status wildlife habitats) regardless of the method of construction. It also inconsistently addresses the maintenance phase. Recommend consistency in the text for the measures between Chapter 2 and

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F2dn Table has been edited as requested.

F2do Text has been edited to include reference to the literature cited in the comment. Text acknowledges that the 4-mile restriction may not protect all nests and outlines actions that would be taken to avoid and minimize effects on nests outside the 4-mile buffer.

F2dp The studies and effects described in these references are discussed under the headings Fragmentation of Sage-Grouse Habitats due to the Introduction of Tall Structures, Increased Electromagnetic Fields, and Construction of New Roads and Disturbance to Sage-grouse and Disruption of Breeding Activities due to Increased Human Presence and Noise at Lek Locations in Section 3.2.8.4.3. Walker et al. (2007) and LeBeau (2012) are cited as references in these sections. Becker et al. (2009), Hagen (2010) and FWS (2012) provide reviews of the primary literature using references that are already cited in these sections.

F2dq As described in Section 3.2.8.4.3, a Noxious Weed Management Plan and a Reclamation, Revegetation, and Monitoring Plan would be developed and incorporated into the POD. The Noxious Weed Management Plan would be developed in compliance with BLM Manual 9015 (Integrated Weed Management) and USFS Manual 2080 (Noxious Weeds) (Section 2.3.5) and would outline requirements for noxious weed inventory, monitoring, and reduction measures required to prevent the spread of noxious weeds as a result of Project construction or maintenance.

F2dr Comment noted.

F2ds Comment noted.

F2dt The analysis for migratory birds was revised and expanded for the Final EIS. The revised analysis, including discussion regarding structure design, is presented in Section 3.2.9.

F2du See next page for response to F2du.

F2dv See next page for response to F2dv.

F2dw See next page for response to F2dw.

F2dx See next page for response to F2dx.

F2dy See next page for response to F2dy.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

Response(s) - continued

F2du

The text has been modified as recommended. The paragraph now reads:

"Vegetation clearing and other construction and maintenance activities, when possible, would avoid areas supporting actively nesting birds during the migratory bird nesting season, between February 1 and August 31; however dates may vary depending on species, current environmental conditions, results of preconstruction surveys, and approval by agency biologists or agency-approved environmental inspectors in coordination with agency biologists. This design feature will restrict human activity to avoid disturbing migratory bird nests during species specific breeding seasons."

F2dv

Refer to response for Comment F2du.

F2dw

The recommended modification is now reflected in Design Feature 8. The text now references Table J-15 in Appendix J.

F2dx

Design Feature 8 references following agency guidelines for raptor protection, including monitoring nest activity during construction and other recommendations presented in Romin and Muck (2002). Romin and Muck (2002) does not provide specific spatial and temporal buffers for unoccupied nests and, therefore, they are not presented in the EIS.

F2dy

The text in Section 3.2.8.4.3 referenced in the comment is intended to describe how the selective mitigation measure (that is applicable to multiple resources) will be applied for special status wildlife resources. BLM will refine specific application of selective mitigation measures in cooperation with cooperating agencies, including the FWS, and the Applicant during preparation of the POD. The process for application and agency review of selective mitigation measures applied during preparation of the POD is described in Section 2.4 of the Final EIS. As described in Section 2.5.1.2 and 3.2.8.4.1 under the heading Mitigation Planning and Effectiveness, the results of preconstruction surveys would be used by the agencies to refine the mitigation requirements and further inform the construction POD.

Comment(s)

Response(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2dy					Chapter 3.
F2dz	3.2.8.4.3	3-444	Paragraph: 4	Amy Defreese	Selective Mitigation Measure 2: The text here implies that this measure will be applied to special status wildlife habitats. Yet, in Table 3-102, the measure only applies to yellow-billed cuckoo habitat. Recommend that the EIS provide clarity about which species habitats are subject to this measure. If it is only yellow-billed cuckoo habitat, then this should be clarified in the text here.
F2ea	3.2.8.4.3	3-444	Paragraph: 5	Amy Defreese	Selective Mitigation Measure 4: The text here seems significantly different from the text provided in Table 2-13. In Table 2-13, protection for trees over 5 feet tall in nesting habitat is absent. Here, it is added. We are concerned that some of these very specific, yet very important, clauses may not be carried forward where and when necessary after the NEPA process is complete.
F2eb	3.2.8.4.3	3-444	Paragraph: 7	Amy Defreese	Selective Mitigation Measure 6: The text here seems significantly different from the text provided in Table 2-13. The text in Table 2-13 adds the clause: "if practical and consistent with APLIC and Applicant standards." This text is not presented here. This causes the reader to question whether, and how often, Rocky Mountain Power will modify tower structures to discourage raptor and raven perching. Recommend that the EIS identify whether the measure presented in each resource chapter is absolute, or subject to clauses such as "where practical". Ultimately, these clauses significantly affect the effectiveness of the measures, and analysis of residual effects.
F2ec	3.2.8.4.3	3-445	Selective mitigation Measure 14	Julie Reeves	Selective Mitigation Measure 14 here describes the use of perch discouragers to reduce the amount of perch sites available on transmission structures to limit hunting perches thereby reducing effects of increased predation on special status wildlife. This is different than what the SMM 14 was described as doing in section 3.2.7.4.3. The Wyoming Ecological Services Field Office of the Service does not support the use of perch discouragers to limit predation on special status species: Agencies have at times recommended the use of perch discouragers on power poles to limit perching of raptors and corvids with the intent to reduce predation on sensitive prey species (e.g. greater sage-grouse, mountain plover, and black-footed ferret). Using perch discouragers on power poles may reduce, but will not prevent, raptors from preying on species of concern (Slater and Smith 2010), and may increase electrocution risk for avian species (APLIC 2006). Perch discouragers may also increase nesting substrate for corvids, which could impact population demographics of sensitive prey species (Howe et al. 2014). Therefore, it is the Wyoming Ecological Services Office's position not to recommend the use of perch discouragers to reduce predation on sensitive prey species. To minimize avian predation on sensitive prey species, the Service recommends that: (1) powerlines are sited outside of sensitive prey species' habitat; (2) structures are designed to minimize perching and nesting (such as tubular instead of lattice structures), especially in areas of high resource value; and/or (3) where appropriate and feasible, lines are buried. If Service recommendations are not followed and perch discouragers are used, the Service recommends that they are installed and maintained to specifications which will minimize the likelihood of avian electrocutions.
F2ed	3.2.8.4.3	3-446	Table 3-102	Amy Defreese	Table 3-102: Yellow-billed cuckoo are subject to collisions with tall structures during migration. We recommend that the EIS include Design Feature 4 to Table 3-102 for this species.
F2ee	3.2.8.4.3	3-446	Table 3-102	Amy Defreese	Table 3-102: We recommend that the EIS include application of Selective Mitigation Measure 2 to greater sage-grouse core areas, priority habitats, and 4-mile lek buffers. Access roads should not be constructed, using any

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F2dz As described in Section 2.5.1.2 and 3.2.8.4.1 under the heading Mitigation Planning and Effectiveness, the results of preconstruction surveys would be used by the agencies to refine the mitigation requirements and further inform the POD. The discussion referenced in the comment describes how the specific selective mitigation measure could be used to reduce impacts on a variety of special status wildlife habitats. The locations where each selective mitigation measure will be applied will be determined on completion of the preconstruction surveys. Table 3-102 in the Final EIS describes specific habitats where the agencies have identified this measure to be both effective and feasible based on the analysis conducted for the Final EIS.

F2ea Text has been edited for clarity. The text in Section 3.2.8.4.3 referenced in the comment is intended to describe how the selective mitigation measure (that is applicable to multiple resources) will be applied for special status wildlife resources.

F2eb The text in Section 3.2.8.4.3 referenced in the comment is intended to describe how the selective mitigation measure (that is applicable to multiple resources) will be applied for special status wildlife resources. BLM will refine specific application of selective mitigation measures in cooperation with cooperating agencies, including the FWS, and the Applicant during preparation of the POD. The process for application and agency review of selective mitigation measures applied during preparation of the POD is described in Section 2.4 of the Final EIS. As described in Section 2.5.1.2 and 3.2.8.4.1 under the heading Mitigation Planning and Effectiveness, the results of preconstruction surveys would be used by the agencies to refine the mitigation requirements and further inform the construction POD.

F2ec Application of Selective Mitigation Measures 6 and 14 have been reconsidered in light of comments received and discussion with staff from the FWS. Text has been edited to reflect this change.

F2ed The recommended modification is reflected in Table 3-102 of the Final EIS.

F2ee Restricting construction of access roads in the referenced areas would prevent the Applicant from achieving their interests and objectives for the Project. Potential high adverse impacts in sage-grouse habitats will be minimized through the application of the design features and selective mitigation measures listed in Table 3-102. High residual impacts on sage-grouse habitat remaining after application of the design features and selective mitigation measures will be addressed via offsite mitigation as described in Appendix K.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
				construction method, in these areas.
3.2.8.4.3	3-447	Table 3-104	Amy Defreese	Table 3-104: We do not agree that the application of design features and selective mitigation measures reduces initial impacts for the various species listed in this table. In particular, Design Features 4 and 6, and Selective Mitigation Measures 2, 4 and 6 contain clauses that allow for application "when practical," "when possible," "to the extent practicable," and "in certain areas of sensitive resources." To the extent that these measures and features are not absolute, we do not believe the EIS can use them to draw conclusions about residual impacts.
3.2.8.5.4	3-456	Environ-mental setting	Julie Reeves	The DEIS states "If selected, Alternative WYCO-B could require construction in buffer areas around active raptor nests closed to construction activities year-round by a controlled surface-use (CSU) stipulation in the BLM Rawlins Field Office RMP requiring a year-round 825-foot spatial buffer for active raptor nests (1,200 feet for ferruginous hawk nests). However, exceptions to the BLM-determined buffer distances can be granted depending on species, nest activity, natural topographic barriers, and construction line-of-sight distances. Proposed Projects that could adversely affect raptors in the Rawlins Field Office boundaries are evaluated on a case by case basis by BLM resource specialists (BLM 2008i)." The Service is the agency responsible for the management of migratory birds, regardless of land ownership or management. Therefore, we recommend that the Service's recommended spatial buffers for active migratory bird nests be implemented, especially when these buffers exceed buffers developed by other agencies. The Wyoming ES FO of the Service has submitted recommend seasonal and spatial buffers for nesting raptor species, and additionally includes that information here. We recommend that the applicant approach the Service for specific instances where these recommended buffers cannot be implemented. Buffer recommendations may be modified on a site-specific or Project-specific basis based on field observations and local conditions. The sensitivity of raptors to disturbance may be dependent on local topography, density of vegetation, and intensity of activities. Additionally, individual birds may be habituated to varying levels of disturbance and human-induced impacts. Modification of protective buffer recommendations may be considered where biologically supported and developed in coordination with the Service's Wyoming Ecological Services Field Office.
3.2.8.5.4	3-456	Environ-mental setting	Julie Reeves	Using the following steps in early Project planning, agencies and proponents can more easily minimize impacts to raptors, streamline planning and permitting processes, and incorporate measures into an adaptive management program: 1. Coordinate with appropriate Service offices, state wildlife agency, Tribal governments, and land-management agencies at the earliest stage of Project planning. 2. Identify species and distribution of raptors occurring within the Project area by searching existing data sources (e.g., Wyoming Game and Fish Department, Federal land-management agencies) and by conducting on-site surveys. 3. Plan and schedule short-term and long-term Project disturbances and human-related activities to avoid raptor forating, nesting, and roosting areas, particularly during crucial breeding and wintering periods 4. Determine location and distribution of important raptor habitat, nests, roost sites, migration zones and, if feasible, available prey base in the Project impact area. 5. Document the type, extent, timing, and duration of raptor activity in

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F2ee

F2ef

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F2eh

Response(s)

F2ef An Agency Interdisciplinary Team, which included staff from the FWS, developed the criteria for assessing the level of potential impacts for wildlife species, initial impacts, and residual impacts after the selective mitigation measures are applied.

F2eg The text referenced in the comment describes a management action prescribed in the BLM Rawlins Resource Management Plan for management of areas around inactive raptor nests. The text does not imply any designation of agency responsibility regarding management of migratory birds. The FWS acknowledges the agency's understanding of these stipulations in Comment F2ei.

F2eh Comments noted. The BLM believes these recommendations are reflected in the approach to interagency coordination and impact analysis and mitigation planning executed in response to the applications for rights-of-way across federally administered lands. Also, the BLM has prepared the EIS in coordination with any studies or analyses required by the Fish and Wildlife Conservation Act (16 United States Code [U.S.C.] 661 et seq.), ESA (16 U.S.C. 1531 et seq.), and the National Historic Preservation Act, as 31 amended (16 U.S.C. 470 et seq.). Consultation and interagency coordination activities related to biological resources are summarized in Section 6.2.2.1.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
				important use areas to establish a baseline of raptor activity. 6. Ascertain the type, extent, timing, and duration of development or human activities proposed to occur, and the extent to which this differs from baseline conditions. 7. Consider cumulative effects to raptors from proposed Projects when added to past, present, and reasonably foreseeable actions. Ensure that Project mitigation adequately addresses cumulative effects to raptors. 8. Minimize loss of raptor habitats and avoid long-term habitat degradation. Mitigate for unavoidable losses of high-valued raptor habitats, including (but not limited to) nesting, roosting, migration, and foraging areas. 9. Monitor and document the status of raptor populations and, if feasible, their prey base post Project completion, and evaluate the success of mitigation efforts. 10. Document meaningful data and evaluations in a format that can be readily shared and incorporated into wildlife databases (contact the Service's Wyoming Ecological Services office for details). Protection of nesting, wintering (including communal roost sites), and foraging activities is considered essential to conserving raptors. In order to promote the conservation of migratory bird populations and their habitats, Federal agencies should implement those strategies directed by Executive Order 13186, "Responsibilities of Federal Agencies To Protect Migratory Birds" (66 FR 3853).
3.2.8.5.4	3-461	Results of Additional Analysis of Potential Impacts: Birds	Julie Reeves	The Service acknowledges that the BLM Rawlins Field Office has special stipulations regarding Project activities within the vicinity of active raptor nests, and that these stipulations will be followed for this Project. The DEIS states that "after mitigation, impacts associated with the Project would not be anticipated to cause a decline in raptor populations in the Project area in Wyoming." The Service wishes to remind BLM and the developer that all migratory birds are protected by the Migratory Bird Treaty Act, and so Project actions are prohibited that "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird" (16 U.S.C. 703).
3.2.8.5.4	3-461	Results of Additional Analysis of Potential Impacts: Birds	Julie Reeves	The DEIS states that the Project could result in the loss of riparian vegetation resulting in a decrease in habitat connectivity and potential decrease in the number of effective yellow-billed cuckoo territories along Coal Gulch. The Service recommends that the Project be sited to avoid vegetation clearing within areas of potential yellow-billed cuckoo habitat, or that such areas be spanned without vegetation removal. Access roads should not be created through intact riparian habitats, and instead, drive and crush through natural clearings or alternate routes be utilized.
3.2.8.5.4	3-464	Results: Special status upland game birds	Julie Reeves	The Service acknowledges that the agency-preferred alternative in Wyoming is proposed in transmission corridors designated by Wyoming EO 2011-005 or in areas parallel to existing transmission lines or other linear disturbances. We acknowledge that utilizing previously disturbed habitat and those adjacent to existing linear infrastructure will minimize habitat loss and fragmentation for the greater sage-grouse and other sage-obligate species.
3.2.8.5.4	3-465	Results: Mammals	Julie Reeves	The Service acknowledges that the current agency-preferred alternative crosses through areas with low density of prairie dog towns in Wyoming, and therefore is proposed in an area that is unlikely to support black-footed

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F2eh

F2ei

F2ej

F2ek

F2el

Response(s)

F2ei Comment noted.

F2ej Table 3-102 identifies design features and selective mitigation measures that will be applied if yellow-billed cuckoo habitat is confirmed to be present in the area. As recommended by FWS, measures that would be applied include Design Feature 3 (altering the placement of roads or towers), Selective Mitigation Measure 2 (no blading of new access roads in special status wildlife habitats), Selective Mitigation 4 (minimization of tree clearing), and Selective Mitigation Measure 7 (spanning or avoiding occupied habitats for special status wildlife species).

F2ek Comment noted.

F2el Comment noted.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
				ferrets.
3.2.9.4.1	3-583	Inventory	Julie Reeves	The DEIS states "Of the 43 fish and aquatic species being analyzed, 10 fish and 3 aquatic invertebrate species inhabit the Platte River. As proposed, the Project would not cross any known or suitable habitat for the Platte River species. These fish and invertebrates are included in the analysis by request of the BLM resource specialists in Wyoming pursuant the Wyoming State Action Plan for Platte River fish that requires Projects potentially drawing water from the Platte River and its tributaries disclose potential impacts from water draw-down. A summary of the listing status, habitat, and general distribution for each species being carried forward for analysis is detailed in Table E-9." The Service acknowledges the inclusion of species of the Platte River basin due to the potential impacts of water withdrawals from that basin on those species.
4.3.5.3.2	4-81	Loss of Native Vegetation Community Types	Julie Reeves	The DEIS states "Revegetation of disturbed areas is a Project design feature for environmental protection (refer to Table 2-8, Design Feature 2); however, it would be unlikely that disturbed areas would be restored to pre-disturbance conditions." Therefore, for any calculations of impacts, the total impact is much larger than impact minus reclamation to equal "residual" effects. The DEIS acknowledges that the landscape will not be restored to its pre-disturbance conditions, and so impacts should be mitigated.
4.3.6.3.3	4-111	Table 4-56	Amy Defreese	Clay phacelia is a species that is endemic to a small geographic area around Spanish Fork canyon. Populations numbers are currently very low. We have previously communicated to the BLM and Forest Service that direct and indirect effects to this species and its suitable habitat could limit the Service's ability to recover the species. Existing suitable habitat is critical for future reintroductions to increase the population size. We do not believe the text in this section of the document (cumulative effects analysis) adequately conveys the status and threats posed by Energy Gateway South and Transwest Express to clay phacelia. As stated in comments to Section 3.2.6.4.3, we also do not believe that the selective mitigation measures reduce initial impacts to the species from high to moderate. Even so, moderate impacts to the species may not be appropriate givne the limited range and population numbers of clay phacelia. We recommend that the BLM and Forest Service re-evaluate the placement of the transmission lines through this canyon.
4.3.7.3.1	4-125- 4-126	Migratory birds cumulative effects	Kevin Kritz	Assessing cumulative effects to migratory birds for this Project using population trends and BBS survey results is problematic. First the information on trends for BBS surveys are presented in the context of the "western region" and also for the 3 states the Project will go through. This is not really a meaningful analysis for the Project as the scale presented is too large and broad. BBS survey results only provide trends in bird populations, and for some species, the survey is not effective in detecting any trends in their populations. The most useful data to use in assessing migratory bird populations for the EIS would be data for the Project area and its vicinity. There are limitations both in available BBS survey results and other types of population data such that useful characterizations cannot be made for all migratory birds using the Project area. Further it really is not useful to quote what percent of migratory bird populations are either significantly decreasing or significantly increasing without any context to this. For example, the bird species populations showing significant increases may well be habitat generalist species, or species that are already abundant, and those showing significant decreases may well be species that are already a concern from a conservation standpoint, or their populations are in decline, or they require a habitat type that is limited and declining.
4.3.7.3.1	4-126	Migratory	Julie Reeves	The Service acknowledges that the DEIS states that "All alternative routes

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F2el F2em F2en F2eo F2ep

Response(s)

F2em Comment noted. In a NEPA context, residual impacts are the environmental effects that remain after selective mitigation measures have been applied, not the footprint of area that would not be reclaimed following disturbance. Calculations of acres of impacts presented in Chapter 3 are raw estimations of the extent of impacts (in acres) from Project activities and do not include any consideration of the extent of reclamation efforts. Under Design Feature 2, surface reclamation would occur in all areas where temporary ground disturbance or recontouring is required.

F2en Comment noted. Cumulative effects analysis has been revised to exclude vegetation treatments from the list of past actions, which allows a more accurate disclosure of cumulative effects of transmission lines through this habitat. The recommendation for re-evaluation of the Project alternative route is noted. Impact criteria were developed in coordination with the Agency Interdisciplinary Team, including FWS representatives. Additional coordination with FWS will occur for clay phacelia during Section 7 consultation.

F2eo See response to Comment F2bo.

Comment(s)

F2 — **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
		birds cumulative effects		and route variations would contribute to the cumulative loss, fragmentation, and modification of bird and migratory bird habitat resulting from past and present actions and RFFAs in the CIAA" and that "Threats to migratory species include the loss, alteration and degradation of habitat resulting from ongoing land use change and development, invasive plant introduction, changes in fire intensity and frequency resulting from land management practices and livestock grazing, alterations of stream flows and spring development, and increases in recreation." As habitat loss and fragmentation are significant impacts to migratory birds throughout their ranges, and this Project (and TransWest Express) contributes to habitat loss and fragmentation, it is important to clearly explain these impacts and their cumulative nature.
4.3.7.3.1	4-126 to 4-127	Migratory birds cumulative effects	Julie Reeves	The DEIS states "Collision risk could be reduced in sensitive areas, such as known migratory or flight paths, by siting the transmission lines directly adjacent to one another (within 250 feet), which would increase the visibility of the wires, limit the area of disturbance, and require birds to make only one flight adjustment to circumvent wires (APLIC 2012; Bevanger 1994). Potential collisions with wires located at different heights are unlikely to occur as similar clearance standards would be required for colocated transmission lines, which carry similar voltage." The Energy Gateway South and TransWest Express Projects will not be carrying similar voltages (TWE is 600 kV DC and EGS is 500 kV AC) and are not proposed to have similar construction (TWE is proposing guyed delta construction while EGS is proposing steel lattice). Therefore, it is likely that there will be wires at different heights as well as guy wires from the TWE Project, which will individually have low visibility and require many flight adjustments for migratory birds to circumvent wires. The Service has repeatedly recommended that TWE use similar structures as EGS and other proposed and existing infrastructure.
4.3.7.3.1	4-127	Migratory bird cumulative effects	Kevin Kritz	The statement that "most migratory bird habitat would remain undisturbed by the Project and other actions in the CIAA and range wide migratory bird populations and other current distributions appear secure" is problematic and should be revised. First, there are no real data, evidence, or literature citations to support the idea that range wide populations and distributions are secure. Second, there is no context for this sweeping overgeneralization. And while many migratory bird populations and distributions may be secure in the Project area, the opposite is true of yet other migratory bird species.
4.3.8.3.1	4-163	Results for Special Status Birds	Kevin Kritz	Per the previous comment above (Re: "most migratory bird habitat would remain undisturbed by the Project…"), the conclusory statements for special status bird species are also problematic. Concluding that Project effects would be incremental and minor is problematic unless this statement is supported by data, scientific evidence, or supported by literature citations.
4.3.8.3.1	4-163	Results for Special Status Birds	Julie Reeves	In providing a qualitative assessment of cumulative impacts on special status birds, the DEIS states "…cumulative effects on some special status birds and their habitats likely to occur in the Project area could not be quantified…" The DEIS cumulative effects section on migratory birds (classified as regular wildlife here), provides a more detailed description of the types of cumulative effects that may occur to migratory birds. These two sections likely share many of the same types and levels of cumulative impacts as they are similar types of species with similar types of life histories and habitat requirements.
Appendix B 3.2.2	B 3-5	Geotech-nical investiga-tions	Julie Reeves	The Service acknowledges that geotechnical investigations are included as part of the Project construction. We recommend that the timing and location of geotechnical investigations occur outside of seasonal and spatial buffers for species sensitive to human and vehicular access and noise as well as

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F2ep

F2eq

F2er

F2es

F2et

F2eu

Response(s)

F2ep See response to Comment F2bo.

F2eq Transmission line structure preference noted. Based on review of the project descriptions for the TransWest Express and Energy Gateway South transmission line projects, BLM has confirmed that similar span distances, structure heights, and conductor clearance standards are proposed for the two projects. BLM believes that particularly in areas where the two projects would be colocated, if applicable, it is reasonable to assume the wires would be at similar heights because site-specific design regarding span distances and heights are largely driven by terrain constraints. The text has been edited for clarity.

F2er See response to Comment F2bo.

F2es Text has been edited for clarity.

F2et The analysis for migratory birds was revised and expanded for the Final EIS.

F2eu Selective Mitigation Measure 12 (seasonal and spatial plant and wildlife restrictions; Table 2-13) restricts all construction and maintenance activities during sensitive periods. A list of seasonal wildlife restrictions are presented in Appendix J, Table J-12.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2eu					ground vibrations and noise.
F2ev	Appendix B 3.2.5	B 3-9	Lattice steel structure foundations	Julie Reeves	The description for constructing lattice steel foundations details a potentially high level of impact resulting from water use for concrete batching, and noise and disturbance from concrete trucks and other vehicles for moving wet-mixed and formed concrete. Has the applicant consider waterless structure foundations, such as screw piles? The use of screw piles would dramatically decrease the number of vehicle miles traveled for hauling concrete.
F2ew	Appendix B 3.5.3	B 3-19	Water use	Julie Reeves	As described in the water use section of the Project Description, 124 million gallons of water will be used to construct the transmission lines and series compensation stations, to control dust during right-of-way and substation grading as well as site-work, and for establishment of substation landscaping, where required. The construction of transmission structure foundations is a major water use. Has the applicant consider waterless structure foundations, such as screw piles? The use of screw pile foundations would dramatically decrease the amount of water used, and have been proven as effective foundations for transmission structures (e.g. in Alberta, Canada: http://www.altalink.ca/files/pdf/SATR/Cassils%20to%20Bowmanton%20Construction%20Newsletter.pdf)
F2ex	Appendix B 5	B 5-1	Decommiss-ioning	Julie Reeves	The paragraph describing access roads is confusing, as it defines access roads both as those solely for access to the transmission line facilities and as having some other purpose with transmission access not being primary. If the Company is responsible for reclamation of access roads, as stated here, it should be clarified whether that refers to the Company's definition of access roads or the DEIS's definition of access roads.
F2ey	Appendix E E.3	E E-39	Migratory birds	Julie Reeves	The information contained in this supporting data appendix relative to migratory bird is inadequate, and simply refers to sections within the DEIS. The Service recommends that the FEIS contain, in its appendices or in the body of the document, a thorough description of impacts to migratory birds and their habitats, as well as describe potential mitigation for the Project's impacts to migratory birds. Further, Appendix E should be modified to include a list of all migratory bird species known or likely to occur within the Project area.
F2ez	Appendix E E.3	E E-40 to E-44	Table E-6	Julie Reeves	The Service acknowledges the list of potential special status migratory bird species that may occur within the Project area. This table is a great start, but does not address the impacts to those species or the habitats in which they occur.
	Appendix E E.5	E E-46 to E-124	Tables E-7 through E-10	Julie Reeves	The Service acknowledges the tables used here to describe the special status plant and wildlife species that are carried forward in analysis or dropped from analysis, with the supporting information contained within. These tables provide an excellent quick reference for those reviewing the EIS relative to special status species impacts and whether the BLM intends to consult on federally listed species or not.
F2fa	Appendix E E.8	E-232 to E-233	Table E-11	Julie Reeves	This table provides seasonal restrictions for raptors and migratory birds in sensitive habitats. The Service's various state offices have recommendations regarding seasonal (and spatial) restrictions for work near migratory birds. Please see the Wyoming table at the end of these comments, which is the same as Table E-12. We recommend that you reference Table E-12 in Table E-11 to minimize confusion regarding protections for migratory birds and raptors.
F2fb	Appendix E E.8	E-247 thru 249	Table E-14	Amy Defreese	Within Table E14, for Bald eagle, there are inconsistent spatial and/or seasonal buffers disclosed for BLM Field Offices and USFWS Raptor Guidelines. Recommend that you provide a notation in this table (and in Design Feature #8) that indicates which spatial buffer and which seasonal

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Response(s)

F2ev The potential for screw piles and other foundation types would be evaluated during final design. However, the amount of water required for drilled pier foundations is a relatively small portion compared to other activities, namely dust control. For example, a 4-foot diameter, 25-foot deep drilled pier foundation would only require approximately 350 gallons of water. As far as disturbance and vehicle traffic, this size of a foundation also would only require approximately two concrete truck loads. Additionally, steel screw piles would require substantially more operations and maintenance efforts, as the piles would need to be regularly visited and inspected for corrosion damage. This additional inspection requirement would add to future area disturbance compared to concrete drilled pier foundations.

F2ew See response to Comment F2ev.

F2ex Appendix B was provided by the Applicant and cannot be modified by the BLM. For clarity (and as described in Section 2.4.2.3 of the EIS), roads required for construction purposes only would be reclaimed according to the specific procedures in the POD. Other roads used for access to the transmission line that have other uses (e.g., county roads, private drives, etc.) would not be reclaimed during decommissioning.

F2ey See response to Comment F2bo.

F2ez See response to Comment F2bo.

F2fa The recommended modification is reflected in Appendix J, Table J-11 of the Final EIS.

F2fb See response to Comment F2x.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

	Section	Page Number	Paragraph or Table Number	Commenter	Comment or Text Revision
F2fb					restriction will be followed. The Service recommends that the seasonal and spatial buffers that we have developed are followed.
F2fc	Appendix F F.3.3.2	F-7		Amy Defreese	Appendix F: We recommend no net loss (based on acreage) of any preliminary general, or preliminary priority greater sage-grouse management areas in Utah (as identified in Alternative D of the Utah Sub-Region Greater sage-grouse Land Use Plan Amendments Draft EIS (2013)). Should there be a net loss of these habitats, we recommend that compensatory mitigation habitats be fully functional for greater-sage grouse prior to the onset of Project impacts. We also recommend that BLM ensure these compensatory mitigation habitats are used by greater sage-grouse prior to the onset of Project impacts.
F2fd	Appendix F F.3.2	F-7	6	Amy Defreese	Development of Additional On-site and Off-site Mitigation: We recommend that the greater sage-grouse compensatory mitigation plan be developed in coordination with the Service and relevant state wildlife agencies **prior** to BLM's signature on the Record of Decision and **prior to** BLM's Notice of Authorization to Proceed with construction. We further recommend that any compensatory mitigation proposed and approved for greater sage-grouse habitat losses be completed, and determined successful, before any Project construction begins.
F2fe	Appendix F	F2-9	HEA	Amy Defreese	EGS Transmission Project Greater Sage-grouse Habitat Equivalency Analysis Plan, Overview of Habitat Equivalency Analysis, Components of compensation: The Components of Compensation for lost habitat services should also include compensation for long term (post-construction) habitat loss, alteration, and fragmentation.
F2ff	Appendix F	F2-35	HEA App. B	Amy Defreese	EGS Transmission Project Greater Sage-grouse Habitat Equivalency Analysis Plan, Quantification of baseline Habitat Service Level: For Utah, we recommend that BLM and Rocky Mountain Power compare the results of its baseline habitat mapping to existing mapped habitat for the species. We recommend that BLM ensure that greater sage-grouse occupied and unoccupied habitat (acreage) in Utah is accurately reflected in the GIS model for this HEA exercise.
F2fg	Appendix K	K-1 to K-2	Mitigation	Julie Reeves	This mitigation description in the FEIS should be revised to include the new Secretarial initiative regarding DOI's mitigation policy and efforts. See http://www.doi.gov/news/pressreleases/secretary-jewell-releases-landscape-scale-mitigation-strategy-to-encourage-dual-objectives-of-smart-development-and-conservation.cfm

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Response(s)

F2fc Comment and recommendations noted.

F2fd Comment and recommendation noted. The U.S Fish and Wildlife Service is participating in the Applicant's Habitat Equivalency Analysis Technical Working Group through which the Applicant's Sage-grouse Mitigation Plan is being developed.

F2fe Comment and recommendation noted. See response to comment F2fd.

F2ff See response to Comment F2fe.

F2fg The BLM believes the intent of the Landscape-Scale Mitigation Strategy to Encourage Dual Objectives of Smart Development and Conservation is inherent in the design features and/or mitigation measures established for the Project. As explained in Section 2.5.1.2 and Appendix E of the Final EIS, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House CEQ (40 CFR 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation).

Response continued on next page.

Comment(s)

F2 **U.S. Fish and Wildlife Service (cont.)**

U.S. Fish and Wildlife Service Comments on the Draft EIS for the proposed Energy Gateway South Transmission Project

Service's Wyoming Ecological Services Field Office's Recommended Spatial and Seasonal Buffers for Breeding Raptors

Raptors of Conservation Concern

Common Name	Spatial buffer (miles)	Seasonal buffer
Golden Eagle	0.5	January 15 - July 31
Ferruginous Hawk	1	March 15 - July 31
Swainson's Hawk	0.25	April 1 - August 31
Bald Eagle	see Bald Eagle information web page[1]	
Prairie Falcon	0.5	March 1 - August 15
Peregrine Falcon	0.5	March 1 - August 15
Short-eared Owl	0.25	March15- August 1
Burrowing Owl	0.25	April 1 – September 15
Northern Goshawk	0.5	April 1 - August 15

F2fh

Additional Wyoming Raptors

Common Name	Spatial buffer (miles)	Seasonal buffer
Osprey	0.25	April 1 - August 31
Cooper's Hawk	0.25	March 15 – August 31
Sharp-shinned Hawk	0.25	March 15 – August 31
Red-tailed Hawk	0.25	February 1 – August 15
Rough-legged Hawk (winter resident only)	----	----
Northern Harrier	0.25	April 1 - August 15
Merlin	0.5	April 1 - August 15
American Kestrel	0.125	April 1 – August 15
Common Barn Owl	0.125	February 1 – September 15
Northern Saw-whet Owl	0.25	March 1 - August 31
Boreal Owl	0.25	February 1 – July 31
Long-eared Owl	0.25	February 1 – August 15
Great Horned Owl	0.125	December 1 – September 30
Northern Pygmy-Owl	0.25	April 1 – August 1
Eastern Screech -owl	0.125	March 1 – August 15
Western Screech-owl	0.125	March 1 – August 15
Great Gray Owl	0.25	March 15 – August 31

[1] http://www.fws.gov/wyominges/Pages/Species/Species_SpeciesConcern/BaldEagle.html

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Response(s)

F2fg cont.

As described in Section 2.5.1.2 of the EIS, after initial impacts were identified for each resource, measures to mitigate impacts for environmental protection (refer to Table 2-13) were applied to avoid, reduce, or minimize moderate or high impacts. This information is recorded for every alternative route and route variation considered in the EIS. Once an alternative route or route variation is selected, the Applicant would coordinate with the BLM and other land-management agencies or landowners, as appropriate, to refine the implementation of mitigation at specific locations or areas. For example, if a road closure was recommended, the Applicant would work with the applicable land-management agency or landowner to determine the specific method of road closure most appropriate for the site or area (e.g., barricading with a locking gate, obstructing access on the road using an earthen berm or boulders, revegetating the roadbed, or obliterating the road and returning it to its natural contour and vegetation). This detailed mitigation would be incorporated into the POD prior to Project construction. In other words, the selective mitigation measures applied during impact analysis and mitigation planning will be carried forward from the EIS and refined by resource surveys conducted for the selected route. Where substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation) and developed in coordination with cooperating agencies for the selected route.

Also, when applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation, to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the Project.

F2fh

This information is included in Table J-13, Appendix J of the Final EIS.

Comment(s)

Response(s)

F3 **National Park Service**

United States Department of the Interior

NATIONAL PARK SERVICE
Intermountain Region
12795 W. Alameda Parkway
Lakewood, CO 80228

IN REPLY REFER TO:

MAY 19 2014

VIA ELECTRONIC MAIL: NO HARD COPY TO FOLLOW

Memorandum

To: State Director, Wyoming State Office
Bureau of Land Management

From: Associate Regional Director, Resource Stewardship and Science

Subject: National Park Service Comments as a Cooperating Agency for the proposed Gateway South Transmission Project Draft Environmental Impact Statement

The National Park Service (NPS) appreciates the opportunity to provide comments on the proposed Gateway South Transmission Project Draft Environmental Impact Statement (DEIS). As stewards of public lands, the NPS protects resources through a variety of internal programs, and also strives to be an active conservation partner with other federal and non-federal agencies and organizations. The NPS supports the Department of the Interior's efforts to be "smart from the start" in permitting renewable energy projects and related transmission infrastructure. The NPS encourages the Bureau of Land Management (BLM) to make every effort to ensure that transmission lines are constructed and operated in an environmentally responsible manner that serves the public interest, protects cultural and natural resources, and protects our treasured landscapes. While the NPS supports the development and modernization of our nation's energy grid, we maintain that it can and should be done using the least environmentally impactful methods.

F3a

A portion of the proposed Gateway South line is portrayed in the DEIS, as potentially crossing NPS lands at Deerlodge Road, which is managed by NPS as part of Dinosaur National Monument. Because NPS owns this portion of the road, a right-of-way (ROW) permit from NPS would be required in order to construct and operate this portion of the transmission line, 16 U.S.C. §§ 5 & 79. Under NPS applicable laws and regulations, a ROW is a permit issued by the NPS to a third party to pass over, under, or through NPS property. A ROW permit is a discretionary and revocable document and, unlike a deeded easement or fee simple ownership, does not convey or imply any interest in the land. In addition, a ROW permit may only be issued under certain, stringent circumstances. According to Section 8.6.4.1 of NPS Management Policies, ROW permits are usually only issued pursuant to specific statutory authority, and generally only if there is no practicable alternative to such use of NPS lands. Moreover, under the NPS Organic Act (16 U.S.C. § 1) the NPS is under congressional mandate not to allow any use of NPS land that would impair or be a derogation of the values and purposes for which the

F3a

Comment noted. Additional analysis to support National Park Service (NPS) decision-making is included in Appendix G.

Comment(s)

Response(s)

F3 **National Park Service (cont.)**

F3a park was authorized or be incompatible with the public interest, except when authorized by Congress.

Although electric transmission infrastructure through park units are authorized by 16 U.S.C. 79, their installation, operation, and maintenance activities within the park boundary are subject to NPS ROW regulations described in 36 CFR Part 14. Importantly, these regulations apply to federally-owned or controlled lands administered by the NPS, including the subsurface, and to nonfederal lands and waters within the park which the NPS administers for public use purposes via a written instrument such as an agreement (see 36 CFR Section 1.2(a)(2)). The NPS Management Policies further set out criteria to meet the approval requirements in the regulations

F3b (see NPS Management Policies Sections 8.6.4.1, 8.6.4.2, and 8.2). These criteria are: compatibility with the public interest, the lack of a practicable alternative location, and no unacceptable impacts to park resources, values, or purposes.

F3b See response to Comment F3a.

As a major federal action, an environmental review would be required under NEPA before a ROW permit may be fully considered and potentially approved. In October 2009, the Department of the Interior was one of nine federal signatories to a Memorandum of Understanding (MOU) "Regarding Coordination in Federal Agency Review of Electric Transmission Facilities on Federal Lands." In brief, the MOU requires the participating agencies to streamline NEPA review and related permitting processes when possible. In accordance with Executive Order 13604, any lead federal agency would need to coordinate with the NPS on becoming a cooperating agency under National Environmental Policy Act (NEPA), and consult fully with the NPS establishing an agreed-upon project schedule, identifying and obtaining relevant data, resolving issues and concerns, and ensuring the environmental review meets the NPS legal mandates and standards on which the NPS can rely in making a decision on whether to issue a NPS permit.

F3c As indicated in our cooperating agency comments on the administrative DEIS submitted to BLM on September 27, 2013, the NPS strongly supports avoidance of park lands and the use of the practicable alternative, for consistency with the NPS mission and to minimize impacts to the visitor experience for those visitors using Deerlodge Road to enter the Dinosaur National Monument. It appears there still may be a number of practical alternatives to crossing NPS managed lands. The NPS would like to better understand BLM's rationale for identifying the agency preferred route. The NPS is aware that state conservation easements and identification of priority sage grouse habitat may further limit routing within the region, and NPS requests to participate in those ongoing discussions. The NPS also encourages the BLM to identify and implement regional and landscape scale mitigation in order to mitigate impacts to public lands and Trust resources from infrastructure development in accordance with Secretarial Order 3330 and BLM's Instructional Memorandum 2013-142.

F3c See response to Comment F3a.

F3d As previously discussed between our bureaus and with the project proponent at our March 2013 meeting, and stated in subsequent letters, if the proposed routing across NPS lands is retained as the preferred alternative, NPS policy requires site-specific analysis of potential impacts be included in the review under NEPA (NPS Director's Order 12). The NPS has supplied information regarding the type of information that would be required, but much of that

F3d See response to Comment F3a.

Comment(s)

F3 **National Park Service (cont.)**

F3d information is still absent from the DEIS, and the NPS has not received correspondence from the BLM to discuss implementation of required studies or integration of information.

The NPS is also a cooperating agency on the TransWest Express Transmission Project (TransWest), for which the BLM has initiated the process of micrositing the route in the vicinity of Dinosaur National Monument. As our bureaus and the project proponents have previously discussed, most recently at interagency meetings held in February and March 2014, it would be preferable to make every possible effort to co-locate the routes for Gateway South and TransWest through this region in order to minimize impacts.

F3e

To ensure that all needed information is available for NPS decision-making, the NPS has commented on DEIS content and also has provided a narrative supplement in Attachment A. Many of our comments are identical to those submitted on the Administrative DEIS as a cooperating agency. The NPS and BLM will need to further communicate on specific requirements. In particular, the NPS needs more information to determine visual and noise impacts to the visitor experience, and to receive clear information on possible revisions of the agency preferred route in the vicinity of Dinosaur National Monument.

The NPS appreciates the ongoing coordination with BLM and looks forward to future opportunities of mutually beneficial participation. Addressing impact topics on NPS lands and NPS-administered sites helps us to provide the utmost protection of resources and the visitor experience. If you have any questions regarding our comments or concerns, or if you need additional information, please contact Andrew Montaño at (303) 969-2439.

Tammy Whittington

Attachments (2)

cc: Patrick Malone, Assistant Regional Director, Natural Resources, IMR, NPS
Andrew M. Montaño, Renewable Energy Specialist, IMR, NPS
Sarah Quinn, Renewable Energy Program Lead, NRSS-WASO, NPS
Melissa Trenchik, Chief, Environmental Quality, IMR, NPS
Mark Foust, Superintendent, DINO, NPS

Response(s)

F3e See response to Comment F3a.

Comment(s)

Response(s)

F3 | **National Park Service (cont.)**

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	Page	Section	Commenter	Comment
	S-2 S-7 S-8 S-9 S-10 S-11 S-27 I-5 2-109 2-111 2-113 2-133 4-250	Route Variation	NPS-DINO	Instead of the BLM agency preferred alternative that crosses Deerlodge Road, a congressionally authorized portion of Dinosaur National Monument, the NPS supports the use of the state lands practicable alternative, or other practicable alternative nearby, for completion of transmission lines in this area. Law and policy dictate that electric transmission lines should avoid crossing units of the National Park System when at all practical. Under NPS applicable laws and regulations, a right-of-way (ROW) is a permit issued by the NPS to a third party to pass over, under, or through NPS property. A ROW permit is a discretionary and revocable document and, unlike a deeded easement or fee simple ownership, does not convey or imply any interest in the land. In addition, a ROW permit may only be issued under certain, stringent circumstances. According to Section 8.6.4.1 of NPS Management Policies, ROW permits are usually only issued pursuant to specific statutory authority, and generally only if there is no practicable alternative to such use of NPS lands. Moreover, under the NPS Organic Act (16 U.S.C. § 1) the NPS is under congressional mandate not to allow any use of NPS land that would impair or be a derogation of the values and purposes for which the park was authorized or be incompatible with the public interest, except when authorized by Congress. Use of NPS lands will require site-specific analyses in the EIS documents. To ensure that all needed information is available for NPS decision-making, NPS and BLM will need to further communicate on specific requirements.
F3f				
				The Deerlodge Road is a congressionally authorized portion of Dinosaur National Monument. Throughout the document, it should be clear that the road is inside the Monument and is entitled to the same legal protections as other NPS lands. To ensure that the NPS ownership is understood by the public, the NPS suggests the language "the Deerlodge Road within Dinosaur National Monument" rather than "the Deerlodge Road entrance to Dinosaur National Monument."
F3g				
				Based on Dinosaur National Monument review, the alternative through the park is not consistent with the approved General Management Plan (GMP), Environmental Impact Statement (EIS), and Record of Decision for Dinosaur National Monument. The GMP lists industrial use of the park as an "incompatible use," and also states that the purpose of the congressionally authorized scenic easements along the road corridor is to "protect the visual quality of the road."
F3h				
	S-2 S-7 S-8 S-9 S-10 S-11 S-27 I-5 2-109 2-111 2-113 2-133 4-250	Various	NPS	When describing potential crossings of NPS lands and the associated ROW permit that would be required from the NPS, the DEIS should include the context from NPS Director's Order #53, which directs that the NPS can only issue a ROW grant "only if there is no practicable alternative to such use of NPS lands." This should be added whenever the crossing of the NPS lands is described in the DEIS.
F3i				

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F3f See response to Comment F3a.

F3g Comment noted. Additional analysis to support NPS decision-making is included in Appendix G.

F3h See response to Comment F3g.

F3i See response to Comment F3g.

Comment(s)

Response(s)

F3 **National Park Service (cont.)**

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	Page	Section	Commenter	Comment
F3j	S-29 3-1010	Various	NPS	The NPS agrees with the BLM assessment that "Route Variations WYCO-B-2, WYCO-C-2, and WYCO-F-2 would highly affect views for a short period when entering the Dinosaur National Monument from the east entrance…" On page 3-1010, the DEIS states that, "Low impacts would occur on views from the Deerlodge Road entrance of Dinosaur National Monument, because the Project would be viewed in context with two existing transmission lines located closer to the national monument than the Project." Please consistently reflect the high impacts upon views from Dinosaur National Monument. See NPS comment below on Appendix H, Visual Simulations, for further explanation.
F3k	S-29 3-1010	Various	NPS-DINO	NPS agrees with the DEIS assessment in this section that several proposed route designations "would highly impact views from Dinosaur National Monument." The DEIS states that "Route Variations WYCO-B-2, WYCO-C-2, and WYCO-F-2 would highly affect views for a *short period* when entering the Dinosaur National Monument from the east entrance" (Emphasis added). NPS would like to understand what BLM's definition is of a "short period" and what analysis BLM used to determine that the views would be affected for a short period, and if the agency considered that the views for visitors stopped at the entrance kiosk and along the road might be impacted for a more than a short period. Occasionally in the document, the impact is described as low or moderate instead of high. Please consistently reflect the high impacts upon views from Dinosaur National Monument. See NPS comment below on Appendix H, Visual Simulations, for further explanation. This section analyzes compliance with federal agency visual management objectives for BLM and for USFS land-use plans, but not for NPS. In order to NPS to make a decision based on this document, analysis of the project's impact on Dinosaur National Monument's visual management objectives is needed.
F3l	S-27 3-838 3-840 other locations	Special Designations	NPS- DINO	The document does not adequately recognize the difference between Congressional designations and agency administrative designations. The document treats units of the National Park System, which are designated and protected under federal law for their national significance, in a fashion similar to local administrative designations such as State Parks and BLM Dispersed Recreation Areas. The NPS requests that the BLM acknowledge the differences and identify the appropriate protection mandates associated with units of the National Park System. The NPS suggests that the document separate areas of special congressional or federal designation, such as units of the National Park System and Wilderness, from other agency-level designations, and represent the higher level of protection provided to these units by congressional action, regulation, and policy.
F3m	3-1010		NPS-DINO	The NPS agrees with the BLM assessment in this section that several proposed route designations "would highly impact views from Dinosaur National Monument". Occasionally in the document, the impact is described as low or moderate instead. Please consistently reflect the high impacts upon views from Dinosaur National Monument.

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F3j The level of impact on views from Dinosaur National Monument varies based on the alignment of different alternative routes and route variations. Where views of the Project are unobstructed and dominated by the Project in a natural setting, high impacts have been assessed. In other locations, where the Project is located on the other side of two existing transmission lines and at a greater distance from the monument, the level of impact was assessed at a low level. An additional level of detail describing impacts on views from this portion of Dinosaur National Monument has been included in the NPS appendix (Appendix G).

F3k This statement of short period was in reference to the perpendicular crossing of Deerlodge Road, which would be shorter in duration than paralleling the road for example. This reference to "short period" has been removed (as it is confusing) and does not reflect the duration of the view experienced by a visitor at the kiosk.

In regard to impact levels, see response to Comment F3j.

The visual management objectives contained in the Dinosaur National Monument plan have been added to support a potential NPS decision for allowing the Project to cross the monument.

F3l See response to Comment F3g.

F3m See response to Comment F3j.

Comment(s)

Response(s)

F3 **National Park Service (cont.)**

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	Page	Section	Commenter	Comment
F3n	H2-4	Appendix H	NPS-Visual	Simulations There is insufficient information to evaluate the potential impacts at the Deerlodge Road within Dinosaur National Monument. Impacts described for KOP #150 on Table H-1, Key Observation Points and Simulation Locations indicate a high level of concern for aesthetics. However, even with the mitigation identified of increasing the span between towers it is highly unlikely that impacts would be reduced to moderate. In the open, slightly rolling landscape of this area the towers and transmission lines will be dominant elements as they route across the Deerlodge Road within Dinosaur National Monument. With the scale of the towers at 180 feet tall, moving them even several hundred feet will not make a substantial difference in their dominance as visual intrusions for travelers along the Deerlodge Road. Please provide a simulation including a cumulative simulation for KOP #150 to clearly communicate the expected visual impacts with the associated mitigation. Simulation information is provided but additional information would assist in the evaluation. It would be helpful to include a summary of the information on the contrast rating form in the analysis section to better understand the impacts in the context of the EIS rather than in a separate location. It is still difficult to assess what the actual visual impacts would be along Deerlodge Road and how the visitor experience might be affected. Provide the methodology of how simulations were developed including methods used to place models of structures in correct locations and the correct distance from which to view the completed simulations. The simulations would also be more helpful at a larger scale or if a digital version was available for viewing along with the correct viewing distance information.
F3o		Chapter 4 4.3.16 Visual Resources	NPS-Visual	Potential cumulative effects to NPS resources relative to Deerlodge Road within Dinosaur National Monument and at the Dinosaur National Monument Visitor Center (KOP #211) are absent from the analysis.
F3p	3-1133, 3-1135, 3-1137, 3-1191		NPS – NHT	The NPS supports the use of alternatives that will minimize impacts to the Old Spanish National Historic Trail (NHT). Alternatives of particular concern include COUT-BAX-B, C, & E. Construction of these alternatives would likely have major indirect and cumulative impacts on the trail setting and direct impacts at the trail crossings. The NPS cannot envision any effective mitigation for the likely impacts of these alternatives. Alternatives within the plan have the potential to impact up to 130 miles of the Old Spanish NHT; therefore the NPS encourages the BLM to continue working with partner trails groups and trail administrators to further minimize impacts from the proposed action.
F3q	3-1375		NPS-Sound	While it is true that there are no federal regulatory requirements for transmission line noise specifically, federal agencies, states, municipalities and local governments may adopt regulations, manage, or work cooperatively with outside entities to reduce noise impacts within their jurisdiction. For example, the NPS is mandated to protect the acoustic environment and visitor experience, and accordingly, works to minimize noise impacts. The NPS uses recognized U.S. and international thresholds for speech interference, sleep interruption, and audibility (ambient degradation), among other standards. The NPS suggests that the DEIS reflect that federal agencies, states, municipalities and local governments may adopt regulations that impose a maximum noise limit or mitigation requirement within their jurisdiction.

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F3n Due to the location where this alternative route crosses the Deerlodge Road, there are limited selective mitigation measures that could substantially decrease effects on views from the monument. To further illustrate these effects, a project effects and cumulative effects simulation have been added at Key Observation Point (KOP) #150.

For consistency, this information was kept in an appendix with the other contrast rating worksheets. In response to this and other NPS requests, an appendix has been added to the EIS that focuses on the routes in proximity to Dinosaur National Monument with additional narration.

The visual technical report contains a methodology describing how the simulations were prepared. A reference to this discussion has been added in appropriate locations in the EIS. Furthermore, additional viewing information has been included on the simulations as requested.

F3o See response to Comment F3n. Please note, a cumulative effects simulation and narration was included in the Draft EIS for KOP #211 at the Dinosaur National Monument Visitor Center.

F3p See response to Comment F3a.

F3q Comment noted. Additional analysis to support NPS decision-making is included in Appendix G.

Comment(s)

F3 **National Park Service (cont.)**

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	Page	Section	Commenter	Comment
F3r	3-1371 to 3-1383		NPS-Sound	In general, the DEIS provides data on transmission line noise but is lacking in data on the affected environment, i.e. the ambient sound level in absence of transmission line noise or noise predictions at specific sensitive sites such as the visitor kiosk in Dinosaur National Monument near the intersection of U.S. 40 and the Deerlodge Road within Dinosaur National Monument. The DEIS also lacks estimates of transmission line noise under conditions of light precipitation (such as rain, fog, or snow), when increased humidity leads to louder transmission noise while the ambient sound level remains low. In order to better disclose the effect on the affected environment, the NPS requests more specific information on transmission line noise variation and the affected environment. For example, for assessment of noise from the agency-preferred alternative transmission line alignment that crosses 300 feet south of the Deerlodge Road visitor kiosk, it would be helpful if the transmission line noise levels could be calculated for L5 rain, L50 rain, and L90 rain (approximately 0.1 mm/hr, which would represent a quieter ambient condition). Available resources for transmission line noise level calculation include the Electric Power Research Institute (EPRI) AC Transmission Line Reference Book—200 kV and Above, Chapter 10, and the EPRI Transmission Line Workstation software. To improve the estimate of transmission line noise at greater distances, we recommend the EPRI formula (10.4-23a), which is believed to provide a better estimate of atmospheric sound absorption than the BPA formula (10.4-23b), up to an approximate distance of 800 meters.
F3s	3-1376	Table 3-309	NPS-Sound	Table 3-305 is potentially useful but difficult to interpret. Some further explanation could be useful. Using the correction factors in Table 3-305, it might be helpful to calculate and provide Leq, Ldn, and L50 foul at the proposed ROW edge for Section 1, 2, 3, and 4 as shown in Figures J-9, 10, 11, and 12, respectively.
F3t	3-602, 3-604 3-264 3-322, 3-323 3-361, 3-363 3-367-368 3-407 3-408 3-466 3-473, 3-477, 3-480 3-484, 3-485 3-488 3-571, 3-572 3-600 3-602 3-604 Appendix E	Various	NPS- Wildlife	The NPS reviewed the DEIS, Chapter 3 – The Affected Environment and Environmental Consequences, pertaining to aquatic and wildlife resources in the Dinosaur National Monument/Deerlodge Road Area and Tuttle Easement Area of the DEIS. Almost all of the discussions pertain to only the Tuttle Easement resources, not those on NPS-managed lands. Therefore, this analysis (DEIS) is inaccurate because it fails to address the impacts to NPS aquatic and wildlife (biological) resources pertaining the agency preferred alternative. Excerpts from all the pages listed to the left indicate that the Tuttle Easement is the focus for the discussion. The NPS urges the BLM to provide site-specific assessment of the impacts to resources relative to the Deerlodge Road within Dinosaur National Monument. NPS resources (such as wildlife, special status species, aquatics, vegetation, visuals, etc.), unlike those for BLM, USFS, State, and other ownerships are not specified, quantified, or otherwise analyzed in the DEIS. For example, specific acres and amounts of habitat for wildlife species addressed, nests for raptors, use areas, migrational corridors, etc. are not quantified or described for NPS resources as they are for other agencies. Likewise, the effects (direct and indirect) of both short and long-term effects of each alternative to each NPS resource are not addressed. In addition, a word search of "NPS", "Deerlodge Road" or other references to NPS biological resources in Appendix E – Biological Resources Supporting Data of the DEIS failed to yield any references or results. Unlike for the BLM and Forest Service, NPS resources are absent from this section of the DEIS.

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Response(s)

F3r See response to Comment F3q.

F3s See response to Comment F3q.

F3t See response to Comment F3a.

Comment(s)

F3 **National Park Service (cont.)**

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	Page	Section	Commenter	Comment
F3t				The DEIS is lacking information in assessment of the aquatic, wildlife, and biological resources along the agency preferred route crossing Deerlodge Road within Dinosaur National Monument. Assessment of the NPS resources is necessary as part of the EIS process.
F3u	3-602, 3-604 3-264 3-322, 3-323 3-361, 3-363 3-367-368 3-407 3-408 3-466 3-473, 3-477, 3-480 3-484, 3-485 3-488 3-571, 3-572 3-600 3-602 3-604 Appendix E			The analysis of indirect (both short and long-term) effects is lacking, particularly for wildlife and special status species. Many indirect effects to resources are not identified or adequately analyzed, and the synergistic effects or other effects are not discussed. For example, the indirect effects to individual species, habitats and effectiveness, etc. from the potential spread of invasive/noxious weeds, changes in wildland fire regimes, increased dust, potential increased unauthorized recreation and human uses of areas accessed by new access roads and the effects user-created roads have on natural and cultural resources, the effects to migrational or movement corridors of wildlife species, are not evaluated relative to NPS lands. Assessment of the short and long-term effects to NPS resources is important as part of the EIS process.
F3v	4-124			This section identifies "The potential for temporal and/or spatial synergistic, adverse effects on wildlife resulting from the construction of the Project and other transmission line projects (i.e., the TransWest Express and Gateway West transmission projects) were identified by the agencies and public during scoping. This analysis assumes that the selected route for the Project and the selected routes for the TransWest Express and the Gateway West (in Wyoming) transmission projects would be located in the same corridor and offset by approximately 1,500 feet." NPS agrees with BLM that "overlapping construction and stabilization for the two projects could result in temporal effects that could prolong displacement of wildlife from important habitats, displacement of wildlife from a larger geographic area, and extend the potential recovery time of wildlife from the direct and indirect effects from the Project." Identification of these potential impacts is lacking and the need to for identification of mitigation measures on NPS lands is important as part of the EIS.

Response(s)

F3u See response to Comment F3a.

F3v Comment noted. Additional analysis to support NPS decision-making is included in Appendix G.

Comment(s)

F3 **National Park Service (cont.)**

Energy Gateway South Transmission Line Project
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	Page	Section	Commenter	Comment
F3w, F3x, F3y	4-250			This section on cumulative effects on the Deerlodge Road within Dinosaur National Monument minimizes the potential impacts to NPS resources. Although the crossing at Deerlodge Road within Dinosaur National Monument may be less than 1 percent of the Project, potential impacts must be assessed for the area as it pertains to the management of the park unit. As stated previously, under the NPS Organic Act (16 U.S.C. § 1) the NPS is under congressional mandate not to allow any use of NPS land that would impair or be a derogation of the values and purposes for which the park was authorized or be incompatible with the public interest, except when authorized by Congress. Use of NPS lands will require site-specific analyses in the EIS documents. To ensure that all needed information is available for NPS decision-making, NPS and BLM will need to further communicate on specific requirements. BLM states that the Project would span the site (Deerlodge Road), so no permanent infrastructure would affect the site. However, the effects of habitat disruption, visual and night sky impairment, and noise from tower infrastructure may have long-term cumulative impacts and need to be evaluated as part of the EIS process. BLM also states that the reasonably foreseeable future actions (RFFAs), is the proposed TransWest Express Transmission Project for Deerlodge Road. As of late February, 2014, BLM indicated an agency preferred route for TransWest Express Transmission Project across the Tuttle Easement and not across Deerlodge Road within Dinosaur National Monument. NPS suggests clarification of location and assessment of the cumulative impacts relative to the proposed siting of the TransWest Express Transmission Project relative to the Gateway South Project. This section also states that "Cumulative effects for Deerlodge Road are also discussed in Section 4.3.16." There is no further discussion regarding Deerlodge Road within Dinosaur National Monument in Section 4.3.16. The NPS suggest that the BLM assess the cumulative effects to Deerlodge Road within Dinosaur National Monument and evaluate more fully the impacts to NPS lands. It is the NPS's position that the use of the state lands practicable alternative, or other practicable alternative nearby, for completion of transmission lines in this area.
F3z	BA (Pending)		NPS-Wildlife	Biological Assessment for Federally Listed Species Given the absence in the DEIS of the assessment of the aquatic, wildlife, and biological resources along the agency preferred route crossing Deerlodge Road within Dinosaur National Monument, the NPS encourages the BLM to include these assessments in the Biological Assessment (BA). In 2013, the NPS signed a MOU with BLM as the lead agency regarding submission, review, and use of a BA for this project on NPS lands. Federally listed and NPS SOC species occurring on NPS-managed lands must be identified and any impacts from these actions properly assessed in the BA as per our MOU and as a cooperating agency.
F3aa	Appendix F			Applicable "design features" and mitigation measures designed to avoid and minimize impacts on resources should also include resources on NPS managed lands and adjacent affected areas.

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Response(s)

F3w See response to Comment F3g.

F3x See response to Comment F3a.

F3y See response to Comment F3g.

F3z See response to Comment F3v.

F3aa See response to Comment F3q.

Comment(s)

Response(s)

F3 **National Park Service (cont.)**

Attachment A – NPS Site-Specific Analysis Requirements for Transmission Projects

Comment Scope:

F3ab A portion of the proposed Gateway South line is portrayed in the DEIS, as potentially crossing NPS lands at Deerlodge Road, which is managed by NPS as part of Dinosaur National Monument. Because NPS owns this portion of the road, a right-of-way (ROW) permit from NPS would be required in order to construct and operate this portion of the transmission line. 16 U.S.C. §§ 5 & 79. As a major federal action, an environmental review would be required under the National Environmental Policy Act (NEPA) before a ROW permit may be fully considered and potentially approved. The comments below focus solely on the potential direct, indirect, and cumulative impacts of crossing NPS lands and do not address concerns the NPS may have with the sufficiency of the NEPA analysis for the other alternatives adjacent to Dinosaur National Monument, although some of our comments may reasonably extend to these other alternatives for certain impact topics. The NPS provided comments related to a potential transmission line crossing of Dinosaur National Monument in its previous internal comments on the administrative Draft Environmental Impact Statement on September 27, 2013.

F3ab See response to Comment F3a.

F3ac NPS Director's Order 12 Handbook 7.2(A) requires the NPS to evaluate the *site-specific* impacts of an implementation plan prior to making a decision. Therefore, the NPS cannot issue a ROW permit until a site-specific analysis on NPS lands is complete; this could be accomplished through a site-specific analysis meeting the NPS standards included in the BLM-led NEPA documents, which is preferable under the October 2009 DOI MOU, "Regarding Coordination in Federal Agency Review of Electric Transmission Facilities on Federal Lands," or in a separate NEPA analysis undertaken by the NPS. Currently, NPS lands and potential impacts of the transmission line on Dinosaur National Monument are only briefly addressed in the BLM-led document, generally in summary tables, and are not analyzed at the site-specific level. The comments below address the level of detail the NPS would need in the EIS to evaluate issuing a ROW permit. This analysis should include site-specific details, and include short and long-term, direct and indirect impacts, context, and intensity, following Council on Environmental Quality (CEQ) significance criteria at 40 CFR 1508.27.

F3ac See response to Comment F3a.

F3ad With regards to the NPS ability to adopt the BLM's EIS and use it as a basis on which the NPS issues a decision, the NPS may adopt the EIS without recirculating it "after an independent review of the statement, the cooperating agency concludes that its comments have been satisfied." 40 CFR 1506.3(c). Accordingly, the NPS requests an opportunity to ensure that all comments submitted are satisfied such that the NPS may adopt the EIS without recirculation.

The NPS is required to make a finding of non-impairment before issuing a ROW permit; the NPS would need an advance copy of the administrative draft Final EIS in order to make a non-impairment determination, with a final written determination accompanying a NPS-issued Record of Decision (ROD).

F3ad See response to Comment F3a.

General comments:

F3ae The NPS resources (such as wildlife, special status species, aquatics, vegetation, visuals, etc.), unlike those for the BLM, U.S. Forest Service, the State, and other ownerships, are not currently

F3ae See response to Comment F3a.

1

Comment(s)

Response(s)

F3 **National Park Service (cont.)**

F3ae specified, quantified, or otherwise analyzed in the DEIS. For example, specific acres and amounts of habitat for wildlife species addressed, nests for raptors, use areas, wildlife migration corridors, etc. are not quantified or described for NPS resources as they are for other agencies. Likewise, the effects (direct and indirect) of both short and long-term effects of each alternative to each NPS resource should be addressed.

F3af The DEIS fails to address what specific biological resources are present and the extent of potential impact on NPS lands at Dinosaur National Monument. Transmission line segments in the alternatives crossing NPS lands are referred to in only a very general sense, if at all. The level of impacts to NPS lands and affected aquatic and wildlife resources are not identified separately or addressed. Although the agency preferred crossing at Deerlodge Road on NPS lands covers a substantially smaller area compared to BLM and National Forestlands, impacts to NPS resources must still be addressed. Conversely, a very detailed analysis of effects to BLM and USFS aquatic and wildlife resources (including species of concern) is provided in the DEIS. There is some mention in the DEIS of effects of the alternatives at the Deerlodge Road and Dinosaur National Monument specific to Climate and Air Quality Resources in the *Affected Environment and Environmental Consequences* (Chapter 3) on pages 3-26, 3-45, 3-47, 3-49. Additional evaluation of potential impacts to site-specific NPS resources is required to fully inform the DEIS.

F3af See response to Comment F3a.

F3ag The DEIS repeatedly cites and refers to the April 26, 2013, Colorado Parks and Wildlife (CPW) letter regarding the Tuttle Easement, describing species use, populations, and habitat conditions in the Tuttle Easement Area. Virtually no mention or discussion of the Deerlodge Road or NPS wildlife/aquatic resources, species presence or habitat conditions or potential effects from these actions are included in the DEIS. Equal weight and attention is not given to biological resources on both sides of Highway 40. Throughout chapter 3 of the DEIS, almost all of the discussions pertain to only the Tuttle Easement resources, not those on NPS-managed lands. Therefore, this analysis is inaccurate because it fails to address the impacts to NPS aquatic and wildlife (biological) resources pertaining to the agency preferred alternative.

F3ag See response to Comment F3v.

Specific comments on Chapter 3 impacts analysis per impact topic:

F3ah **Viewsheds:** The analysis should incorporate effects to the NPS visual resources into the visual analysis using the BLM's Visual Resource Management (VRM) system. The analysis should include a visibility analysis/viewshed study to identify areas on NPS lands with potential visibility of the project. The analysis should also include the items outlined below with enough description and detail necessary for the NPS to make an informed decision.

F3ah As part of the NPS appendix (Appendix G), detailing additional analysis associated with Dinosaur National Monument, a viewshed analysis was conducted to compare the visibility of different alternative routes and route variations within the monument.

F3ai Provide photos and describe existing visual setting of NPS lands, including the entry kiosk and traveling along the entry road to and from Deerlodge Park. Include description of topography/landform, vegetation, and other characteristics to provide viewer experience along the NPS roadway.

F3ai An additional level of detail describing impacts on views from this portion of Dinosaur National Monument has been included in the NPS appendix (Appendix G).

F3aj Provide detailed description of how construction activities, including access, equipment locations, restoration and other activities will avoid NPS lands. Short duration construction detours and/or road closures may increase road signage and create traffic congestion, which

F3aj See response to Comment F3ai.

Comment(s)		Response(s)
F3	**National Park Service (cont.)**	
F3aj	would adversely impact general scenic quality in the vicinity of the Deerlodge access road. In general, construction-related impacts would be most acute where the activity is visible in the foreground to middle ground, between 0.25 and 2 miles away.	
F3ak	Describe changes to the existing landscape based on the current VRM inventory for the BLM White River Field Office. Discuss changes in landform and vegetation and the extent to which changes occur in areas visible from NPS lands.	F3ak See response to Comment F3ai.
F3al	Include description of the change in the visitor experience of entering, leaving Dinosaur National Monument and using interpretive services at the entry kiosk. In the cumulative analysis section, please include the description of the change in visitor experience with two additional transmission lines on the corridor parallel to TransWest Express.	F3al See response to Comment F3ai.
F3am	Provide contrast ratings and simulations of transmission line from Key Observation Points (KOPs), which the NPS can provide. KOPs are preliminary and based on the best assessment of location by remote methods. A contractor must verify visibility of proposed project from KOPs and provide final KOP locations to the NPS for approval prior to preparing simulations. It would be helpful to include a summary of the information on the contrast rating form in the analysis section to better understand the impacts in the context of the EIS rather than in a separate location. It is still difficult to assess what the actual visual impacts would be along Deerlodge Road and how the visitor experience might be affected. A visual simulation and additional discussion as previously requested would help in understanding impacts to NPS resources. Contrast rating process should include analysis of changes to existing landscape character elements (form, line, color, texture). Simulations should include visible changes in vegetation for ROW clearing and access roads that would be visible from NPS lands, as well as the tower structures and conductors of the project. Provide detailed information on preparation methodology for simulations, including proper viewing distance of simulations based on media (viewing on screen, printed at specific scale). Include short term and long term impacts to the extent possible.	F3am Based on discussions with the NPS, additional KOPs have been added along Deerlodge Road with simulations depicting Project effects and cumulative effects on views. To keep Chapter 3 from becoming more voluminous, the contrast rating worksheets were located in a separate appendix. An additional level of detail describing impacts on views from this portion of Dinosaur National Monument has been included in the additional analysis requested by NPS (Appendix G).
F3an	Indicate consistency with VRM objectives of current Resource Management Plan (RMP) for the BLM lands immediately adjacent to NPS lands and identify what mitigation measures are included in the analysis to determine if compliance with VRM objectives. If VRM objectives are not met on adjacent the BLM lands, indicate if additional mitigation will be required or if an amendment to the VRM objective will be required.	F3an The Final EIS documents whether the Project would be compliant with Visual Resource Management (VRM) Class objectives (refer to Section 3.2.18.5.4). In addition, this information is explicitly detailed for the area adjacent to Deerlodge Road in Appendix G.
F3ao	Potential cumulative effects to NPS resources at Deerlodge Road and at the Dinosaur National Monument Visitor Center are absent from the analysis and should be included.	F3ao See response to Comment F3o.
F3ap	**Acoustic Environment:** The sole source of information for Dinosaur National Monument and for the Yampa River at Deerlodge Road is an outdoor kiosk, where visitors park, exit their cars, and remain outdoors while obtaining park information. Additional noise from the agency-preferred alternative transmission line alignment that crosses 300 feet south of the kiosk could	F3ap See response to Comment F3q.

3

Comment(s)

Response(s)

F3 **National Park Service (cont.)**

F3ap impact the visitor experience at this location, in addition to potential impacts to wildlife and the acoustic environment along the predominantly quiet Deerlodge Road corridor.

F3aq While it is true that there are no federal regulatory requirements for transmission line noise specifically, federal agencies, states, municipalities and local governments may adopt regulations, manage, or work cooperatively with outside entities to reduce noise impacts within their jurisdiction. For example, the NPS is mandated to protect the acoustic environment and visitor experience and works to minimize noise impacts. The NPS uses recognized U.S. and international thresholds for speech interference, sleep interruption, and audibility (ambient degradation), among other standards. The NPS suggests that the DEIS reflect that federal agencies, states, municipalities and local governments may adopt regulations that impose a maximum noise limit or mitigation requirement within their jurisdiction.

F3aq See response to Comment F3q.

F3ar Corona noise from high voltage transmission lines can exceed 50 decibels, particularly under conditions of light rain when the ambient sound level remains much lower. Noise at this level could impact the acoustic environment of the predominantly quiet Deerlodge Road corridor. Therefore, the corona noise discussion in the EIS should consider all noise sensitive receptors that could be impacted by the noise – including park resources – within the corridor. To estimate high voltage transmission line (HVTL) noise impacts on NPS-managed lands, transmission line noise audibility should be assessed based on best available practices and in consideration of park resources being noise-sensitive resources. Transmission line noise levels should be calculated based on the expected site conditions, such as transmission line voltage, conductor characteristics (including line geometry, conductor diameter, and surface conditions), site altitude, and any other relevant parameters. The chosen parameters should be disclosed in the impact assessment. Available resources for transmission line noise level calculation include the Electric Power Research Institute (EPRI) AC Transmission Line Reference Book - 200-kV and Above, Chapter 10, and the EPRI Transmission Line Workstation software.

F3ar See response to Comment F3q.

F3as **Wildlife:** Potential species for which there could be short and possible long-term impacts can be found at the following Colorado Parks and Wildlife website, almost all of which occur at Dinosaur National Monument: http://wildlife.state.co.us/SiteCollectionDocuments/DOW/WildlifeSpecies/Sagebrush/CHAPTER5speciesofconcern.pdf. The analysis of direct and indirect effects (both short and long-term) is lacking in the DEIS, particularly for the above mentioned wildlife and special status species that occur on NPS lands. The impacts to individual animals, not just population levels, should be analyzed. These effects to resources are not identified or adequately analyzed and the synergistic effects of other effects are not discussed as well. For example, the indirect effects to individual species, habitats and effectiveness, etc. from the potential spread of invasive/noxious weeds, changes in wildland fire regimes, increased dust, potential increased unauthorized recreation and human uses of areas accessed by new access roads and the effects user-created roads have on resources, the effects to migration or movement corridors of wildlife species, etc. should be discussed in site-specific detail. The NPS requests that the BLM identify, in consultation with the NPS, any species surveys needed to properly address these effects based on the species list above. NPS also requests that mitigation measures currently included in the DEIS (Appendix C, etc.) be specifically incorporated here.

F3as See response to Comment F3v.

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Comment(s)

Response(s)

F3 **National Park Service (cont.)**

F3at **Migratory birds:** Please address regional effects of transmission lines on migratory bird species. There is concern that effects on these populations may extend beyond the ROW to the main body of Dinosaur National Monument. The NPS requests that the BLM identify, in consultation with the NPS, any species surveys needed to properly address these effects based on the species list above.

F3at See response to Comment F3v.

F3au **Sensitive species, including threatened and endangered:** The NPS requests involvement in Endangered Species Act Section 7 consultation, including input and review of the Biological Assessment and Biological Opinion. The NPS will need to approve restoration plans for areas disturbed during construction that would impact NPS lands, and specific measures for impact minimization, which are related to issuance of a NPS ROW. Note the NPS Management Policies - Section 4.4.2.3 requires the NPS to manage state and locally listed species in a manner similar to its treatment of federally listed species to the greatest extent possible. Bald and Golden Eagles cross the area of proposed construction to use riparian habitat, and may require additional consultation under the Bald and Golden Eagle Protection Act. The NPS requests that the BLM identify, in consultation with the NPS, any species surveys needed to properly address these effects based on the species list above.

F3au See response to Comment F3v.

F3av **Wetlands and Floodplains:** Please address whether the agency preferred alternative would affect floodplain or wetland development on or near NPS lands. NPS Director's Orders 77-1 and 77-2 require avoidance of direct or indirect support of floodplain or wetland development whenever there is a practical alternative, and wetlands and floodplains delineations must be published to provide opportunity for public review and comment. A statement of findings is required for any actions with the potential to adversely affect wetlands or floodplains.

F3av Comment noted. Additional analysis to support NPS decision-making is included in Appendix G.

Surveys for wetlands and other waters would be completed in all areas with the potential to be impacted by the Project, and water resources would be avoided to the extent practicable under Design Feature 9. Any impacts on water resources would require authorization by the U.S. Army Corps of Engineers under Section 404 of the CWA.

F3aw **Geologic Resources:** Applicable "design features" and mitigation measures designed to avoid and minimize impacts on resources must include NPS resources on NPS managed lands and adjacent affected areas. The NPS assumes that all construction and future maintenance will occur off park lands, however, the NPS recommends best management practices (BMPs) be developed that specify project site road access construction and long term power line and road maintenance requirements.

F3aw See response to Comment F3q.

The BMP's below are proposed for use as a condition of permitting and should be included in the DEIS for meaningful public analysis and comment:

F3ax <u>Road construction</u>: Access roads associated with construction site access will be constructed to provide a to-be-determined (TBD)-foot wide driving surface with TBD-foot shoulders on each side. Construction equipment will stay within the TBD-foot access road and tower site footprints. Any deviation from the TBD-foot road footprint will be coordinated with and approved by the land manager prior to disturbance. Access roads will be constructed by mechanically removing vegetation and grading native soils. Land managers and the project proponent will assess the need for road surfacing (including aggregate) and drainage structures for each proposed tower site and associated roads to prevent unacceptable impacts to roads, drainages, and adjacent areas. Drainage structures may include but are not limited to: ditches, culverts, and low water crossings. Road surfacing and drainage structures will be implemented as needed. Construction of access roads will result in TBD acres of permanent impacts, and new

F3ax See response to Comment F3q.

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Comment(s)

F3 **National Park Service (cont.)**

road construction associated with proposed tower site construction will permanently impact TBD acres. Road construction activities will include removing vegetation from the proposed road footprint, scarifying the proposed road surface, blending aggregate, grading, and compacting. The uphill shoulder of the road will be delineated with sediment waddles and a soil binder will be applied to the finished road surface.

F3ax

Road maintenance: The project proponent will implement a comprehensive maintenance and repair program for all roads and authorized travel corridors associated with proposed project that are required to ensure full-time access to the towers and other project infrastructure. Specific maintenance requirements and schedules for each road and authorized corridors will be developed between the project proponent and the land manager. Maintenance may be performed by contractors or by the land manager as deemed appropriate between the project proponent and land manager. For the proposed project, it is anticipated that maintenance activities of authorized roads and the authorized corridor may occur up to TBD times per year or as necessary. In addition to the authorized road and corridor segments constructed, repaired, and improved as part of the proposed action, the project proponent will maintain additional lengths of authorized roads and an authorized corridor to provide access to the tower sites for maintenance purposes. It is anticipated that maintenance of authorized roads and the authorized corridor could include grading within the existing road or corridor alignment to maintain the condition of the road or corridor surface for tower and other project infrastructure maintenance access. At the land manager's discretion, additional aggregate or a soil stabilizer such as TBD may be used to improve the driving surface of maintained authorized roads or corridor. Maintenance actions will include necessary erosion control associated with the roads and authorized corridor. Road maintenance activities will be conducted outside the breeding and rearing season of wildlife species of conservation concern to the extent practicable. Specific cases (i.e., road impassable) where road or corridor maintenance is required during the breeding and rearing season of wildlife species of conservation concern to allow maintenance to a specific project site, such activities will be coordinated with and require approval from the land manager and U.S. Fish and Wildlife Service as appropriate. If a significant upgrade in road or authorized corridor condition is required, the project proponent will ensure all environmental compliance requirements are met before the work is conducted.

F3ay

Vegetation and Invasive Species: Please incorporate the BMPs identified in the Dinosaur National Monument Invasive Plant Management Plan/Environmental Assessment (EA), Appendix D.

F3az

Air Quality: During construction, air quality may be affected by dust. Short-term impacts will include equipment and ground disturbance effects. Longer-term effects are possible if wind erosion continues on poorly reclaimed land with bare ground. Please describe site specific air quality mitigation measures and identify monitoring techniques to ensure that fugitive dust does not exceed applicable standards.

F3ba

Water Quality: The proposed project, if implemented, will cross the Little Snake and Yampa Rivers and their tributaries upstream of Dinosaur National Monument. The NPS strives to maintain the high water quality of the Yampa, which is the last naturally flowing river in the Colorado River system. These rivers support habitat for multiple federally listed fish species, and

F3bb

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Response(s)

F3ay See response to Comments F3q and F3bf.

F3az Comment noted. Additional analysis to support NPS decision-making is included in Appendix G.

Additional clarification of mitigation of potential air quality impacts is presented in Sections 3.2.1.4.1 and 3.2.1.4.2.

The following dust control measures will be applied across the Project:

- Watering at least twice daily in all disturbed areas undergoing active construction or disturbance.
- Watering all unpaved roads at least twice daily in areas of active use.
- Application of dust suppressants, if warranted, to unpaved roads and other disturbed areas (i.e., when generation of dust is observed despite application of other control measures, such as speed control and watering).
- Limitation of speeds on unpaved roads to 20 miles per hour.
- Sweeping up tracked-out dirt where unpaved roads or disturbed areas meet paved roads every 14 days, using PM10 efficient street sweepers, in areas of active construction or use.

F3ba Additional mitigation measures will be applied in accordance with dust control plans or permits issued or approved by the various air quality control jurisdictions. Colorado Regulations 1 (Section III.D) and 3 (Parts A and B) require a permit and dust control plan for any land development activities exceeding 25 acres or 6 months duration. The plan will specify control measures for disturbed areas, unpaved roads, and carryout onto paved roads. Colorado Regulation 1 also specifies the use of available, practical methods of dust control for construction activities, storage and handling of materials, haul trucks, blasting, and haul roads. Recommended mitigation measures are listed in Regulation 1, Section III.D.2.a through i.

Utah Regulation R307-205 established minimum work practices and emission standards for fugitive dust for all portions of Utah traversed by the alternative routes and route variations except Utah County. Activities regulated include storage and handling of materials, construction activities, and roads. Recommended mitigation measures are specified in Section R307-205-5 and R307-205-6.

Response continued on next page.

F3bb See next page for response to F3bb.

Comment(s)

F3 **National Park Service (cont.)**

Response(s) - continued

F3ba cont.

Utah Regulation R307-309 establishes minimum work practices and emission standards that would apply in Utah County. Recommended mitigation measures are specified in R307-309-6. A fugitive dust control plan will be required that will detail the mitigation measures to be used.

Wyoming air quality standards and regulations (WAQSR) Chapter 3 specified dust control measures to be used during construction activities and handling and transport of materials.

A POD will be prepared for the Project that will specify how compliance with mitigation measures will be monitored.

F3bb

Design features and selective mitigation measures to be implemented for protection of water resources are described in Section 3.2.4. Additionally, a Stormwater Pollution Prevention Plan Framework and a Stream, Wetland, Well, and Spring Protection Plan would be developed for inclusion in the POD.

Comment(s)

Response(s)

F3 **National Park Service (cont.)**

F3bb the section of the Yampa between the mouth of Cross Mountain and Deerlodge is critical habitat for two endangered species. The NPS requests that BMPs be developed to protect water quality within these river systems during both the construction and maintenance phases of the proposed project.

F3bc **Recreation values / visitor experience:** Whitewater rafting in Dinosaur National Monument is the second most popular visitor activity, surpassed only by visitation at the Quarry Visitor Center. Visitors and rafters stop at the intersection of Highway 40 and Deerlodge Road at the orientation kiosk to gather information on camping, rafting, or general park information. More information is needed (identified below) to understand the impacts that this proposal and the cumulative impacts of three high voltage transmission lines would have on visitor experience/orientation into this park entrance. This discussion should also include the seasonality of impacts with relation to potential construction activities during the peak season of May through mid-July.

Please provide a general discussion regarding NPS lands. The NPS staff can assist in the development of this material. Please include a discussion of Dinosaur National Monument as a potentially impacted recreation resource.

F3bd **General Construction Impacts to Recreation**. Please provide a discussion on construction impacts likely to affect any park road crossing, and identify the following: 1) when construction would occur; 2) whether visitors would experience delays; 3) if road closures, as required, will prevent river permit holders from accessing the river; and 4) the long term impacts associated with construction and how the BLM or developer would mitigate these impacts. Construction should avoid spring/summer boating season (May, June, mid-July) if road closures occur.

Land use: The NPS requests that the BLM specifically address 40 CFR 1508.27(b)(3) – Unique characteristics of the geographic area such as proximity to park lands, and 40 CFR 1508.27(b)6). The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration, specifically, the precedent setting nature of locating new transmission facilities of this size and contrast on NPS lands, in determining whether the proposal would have significant impacts.

F3be Facilitating private infrastructure expansion would be contrary to the NPS practice and principle of protecting and improving park resources, including removing incompatible infrastructure. This could establish a precedent that may invite similar proposals by other applicants in the future, and create an expectation of like treatment for those proposals (i.e., it may make it difficult to deny such proposals). Installing the Gateway South line on this alignment will invite future utilities proposing to follow the same route, including the TransWest Express and possibly the Zephyr electric transmission project lines. The DEIS should address the "no practical alternative" standard required for issuing a ROW permit.

F3bf The NPS requests that the DEIS address long-term maintenance and clarify that no maintenance activities would occur within the NPS right of way.

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F3bc See response to Comment F3g.

F3bd See response to Comment F3g.

F3be Comment noted. Additional analysis to support NPS decision-making is included in Appendix G.

F3bf Maintenance activities are described in Section 2.4.7. A general assumption made in the analysis assumes that any jurisdictional requirements associated with another agency's permitting and approval will be accommodated by the Applicant in a manner acceptable to that agency. Any special requirements for or exclusions of maintenance activities can be identified in the POD, to be developed in coordination with cooperating agencies, including the NPS, when a route is selected. Also, if the selected route crosses the Deerlodge Road entrance to the Dinosaur National Monument, such requirements could be included as conditions of the right-of-way grant offered by the NPS.

Comment(s)

Response(s)

F3 — **National Park Service (cont.)**

Cultural resources: Section 106 of the National Historic Preservation Act requires federal agencies to determine if an undertaking affects or has the potential to affect properties listed in and eligible for listing in the National Register of Historic Places (NR). There is currently no cultural resource inventory for the area of potential effect. A cultural resource inventory within the Area of Potential Effect (APE) should be designed to identify 100% of the historic properties that could be directly or indirectly affected by the design, construction, operation, and maintenance of the proposed transmission line and corridor, including: archaeological properties, historic era properties, traditional cultural properties (TCPs), sacred sites, and paleontological sites and locales. The only known cultural resource is the Deerlodge Road, which may be eligible for listing in the NR. Consultation with tribes should be conducted to identify sensitive areas in the APE (primarily sacred sites and TCPs) and those areas that may be indirectly affected but located outside the APE. Historic properties and sacred sites identified will require mitigation measures in order to avoid, negate, or reduce adverse effects, if an adverse effect is found. A signed Memorandum of Agreement or Programmatic Agreement would be required prior to initiation of construction, if an adverse effect is found.

F3bg

A Class III intensive pedestrian inventory (survey) was not conducted for the purposes of the EIS. If the Project is approved, intensive surveys will be conducted for the selected route and associated roads, substations, and ancillary facilities only. These surveys will be consistent with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 Federal Register 44716).

A Programmatic Agreement is being prepared and will be completed prior to the execution of the BLM and USFS decisions. Consulting parties and American Indian tribes have been included in the preparation and review of the draft Programmatic Agreement and their participation is ongoing.

If the Deerlodge Road alternative route is selected (WYCO alternative routes and route variations) it will be subject to Class III intensive pedestrian inventory (survey). All cultural resources sites would be documented and evaluated for eligibility for the National Register of Historic Places at that time. Although the Deerlodge Road occurs in the Project area, this historic linear site does not appear in the Class I literature search for the prescribed area. The Colorado State Historic Preservation Office (SHPO) was consulted for resource location and site status on July 9, 2014. EPG was informed that a Smithsonian site number has not been requested for or assigned to the Deerlodge Road to date (GIS Specialist Colorado SHPO, personal communication with Naia George, 2014).

Based on the coordination occurring with NPS after publication of the Draft EIS, an additional Class I file search for the Deerlodge Road area was completed as part of the alternative route comparisons included in Appendix G.

F3bh

Tribal consultation: In various places within the document, it sometimes reads Ute Mountain Tribe and other times Ute Mountain Ute Tribe. For consistency and to avoid confusion, one version should be used in the DEIS. On pages S-39 and 6-9, the document says the Confederated Tribes of the Goshute Reservation deferred to the Ute Indian Tribe of the Uintah and Ouray Reservation. Please consider asking the Confederated Tribes of the Goshute Reservation if the level of participation from the Ute Indian Tribe of the Uintah and Ouray Reservation is adequate to address Goshute's concerns.

Edited as requested. For consistency, the document now reads: "Ute Mountain Ute Tribe" and "Ute Mountain Ute Reservation."

As discussed in Chapter 6, the Confederated Tribes of the Goshute Indian Reservations deferred to the Ute Indian Tribe of the Uintah and Ouray Reservation (Northern Ute) in an email message on March 9, 2012. The Tribe stated that "the project is primarily within the Northern Ute aboriginal roaming area" and they deferred to the Northern Ute. In deferring to the Northern Ute, the Confederated Tribes of the Goshute Indian Reservations have declined further participation.

F3bi

This project comes near Dinosaur National Monument, and the National Park Service's list of tribes traditionally associated with the park includes those you list as well as the Comanche Nation, Oklahoma, Crow Tribe of Montana, and San Juan Southern Paiute of Arizona. They may not be interested in this project, but you may want to provide them with an opportunity to comment on the document.

See next page for response to F3bi.

F3bj

Page 6-6 reads, "For efficiency, government-to-government consultation activities often are combined with Section 106 tribal consultation activities." If BLM and Forest Service consulted on other topics in addition to National Historic Preservation Act Section 106, the NPS suggests listing the topics covered in the consultations.

See next page for response to F3bj.

F3bk

The NPS suggests adding the Religious Freedom Restoration Act of 1993 to your list on page 6-7. It seems applicable with regard to this project, especially if sacred sites or landscapes are impacted.

See next page for response to F3bk.

F3bl

Cumulative impacts: Dinosaur National Monument cumulative effects are only mentioned in a summary table and one paragraph in Section 4.3.13.3.1. The NPS requests more detail (physical and temporal boundary descriptions) at the local/regional level to understand how the impacts of this proposal would combine with other past, present, and foreseeable future projects and activities relevant to the park resources. There are a number of projects within the park as well as near park boundaries that have both additive and synergistic effects on a number of important resources. The park can assist with providing a list of actions within park boundaries, and

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Comment(s)

F3 **National Park Service (cont.)**

Response(s) - continued

F3bi In the early stages of Project initiation, the BLM (in consultation with other federal and state agencies) identified 33 tribes as having a traditional association with the study area. In 2011, BLM initiated consultation efforts with those tribes and invited them to participate in the Project. NPS has reviewed previous drafts of the EIS and draft Programmatic Agreement listing the identified tribes; NPS has not previously commented on the list of American Indian tribes. BLM does not include the Comanche Tribe (Oklahoma) or the Crow Tribe (Montana) in consultation for the area currently under study. The San Juan Southern Paiute of Arizona is included in the list of 33 tribes contacted during consultation efforts for the Project. After multiple unsuccessful attempts to contact the tribe, BLM requested assistance from the Bureau of Indian Affairs. The tribe did not respond to any of the multiple consultation requests for the Project.

F3bj Government-to-government and tribal consultation efforts have largely focused on the introduction of the Project as a whole and the participation of American Indian tribes in the Section 106 Process. Tribes have largely been unresponsive to attempts at government-to-government consultation. A recent meeting with the Northern Ute Business Council (August 4, 2014) included a brief description of the overall Project, discussion of two alternative routes through northern Utah, Section 7 Consultation, socioeconomic concerns, and routing issues associated with the Uintah Basin hookless cactus and threatened and endangered plants.

F3bk The Religious Freedom Restoration Act of 1993 has been added as recommended.

Comment(s)

Response(s)

F3 **National Park Service (cont.)**

F3bl identify those projects/actions outside park boundaries that would contribute to a meaningful analysis of cumulative effects. Current projects include but are not limited to the Deerlodge Road Rehabilitation EA, River Riprapping EA, oil and gas development leases and associated extraction activity, and particularly the additional proposed electric transmission lines (TransWest Express).

F3bm **Next steps:** Effective analysis of several topic areas above will require ongoing cooperation and detailed information from the NPS. The NPS recommends establishment of regular working group meetings and document review among the BLM, the EIS contractor, and the relevant NPS resource specialists to clarify the NPS needs and to supply information. Please contact Andrew Montaño at andrew_montano@nps.gov or at (303) 969-2439 with questions.

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F3bl See response to Comment F3a.

F3bm See response to Comment F3a.

Comment(s)

Response(s)

F4 **Utah Reclamation Mitigation and Conservation Commission**

230 South 500 East, #230, Salt Lake City, UT 84102
Phone: (801) 524-3146 – Fax: (801) 524-3148

Bureau of Land Management
Attention Tamara Gertsch
National Project Manager, Energy Gateway South Project
PO Box 21150
Cheyenne WY 82003

May 22, 2014

Dear Ms. Gertsch:

As a Cooperating Agency the Utah Reclamation Mitigation and Conservation Commission applauds the effort you, your staff and contractors have made on this complex project with its seemingly endless array of issues. The Mitigation Commission believes you and your talented team of planners and resource specialists went to great lengths to listen to and identify the issues of the many concerned parties. The alternatives presented in the Draft EIS provide range of opportunities that balance these often competing interests. We believe you have succeeded in identifying a range of alternatives that would minimize the relative impacts on the environment while still addressing the underlying need for the project.

The Central Utah Project, which began construction in 1967 and of which some features are still under construction today, resulted in significant impacts to terrestrial, riparian, wetland and riverine resources, particularly in Wasatch, Duchesne and Uintah Counties, Utah. The Mitigation Commission was established in 1992 to coordinate the implementation of mitigation and conservation measures related to the project. After more than two decades of work, the Mitigation Commission, U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, Utah Division of Wildlife Resources, U.S. Forest Service, Central Utah Water Conservancy District, U.S. Army Corps of Engineers and others have put in place the operational agreements, and have acquired stream flows and land resources that are providing partial mitigation for the impacts of the CUP.

F4a

Alternative COUT-A and route variation COUT-A1 would cross significant portions of these CUP mitigation properties. The footprint of the corridor for this Alternative covers approximately:

- 3,038 acres in the name of the United States under the jurisdiction of the Mitigation Commission which have been acquired at an approximate cost of $5,517,000.[i]
- 1,123 acres in the name of the United States under the jurisdiction of the Bureau of Reclamation
- 2,739 acres in the name of the State of Utah, Utah Division of Wildlife Resources with reversionary clauses to the United States[ii] (see attached Map).

As identified in the Draft EIS, the proposed project would have HIGH direct impacts during construction and MODERATE residual impacts even after the application of the identified mitigation measures. Residual impacts to CUP mitigation properties would include, but not necessarily be limited to, the impacts from:

F4a Comment noted. Potential impacts on the Utah Reclamation, Mitigation and Conservation Commission lands are discussed in Section 3.2.14.

Comment(s)

F4 **Utah Reclamation Mitigation and Conservation Commission (cont.)**

- habitat fragmentation
- new infrastructure and facilities development
- fenceline and transmission line strikes
- increased predation
- electrocution, noise, light sources, and visual impacts.
- Alternative COUT-A alternative bisects large areas of Greater sage grouse crucial habitat, one of the primary purposes for the Federal land acquisition.

F4b

- Alternative COUT-A crosses a portion of the roadless Wild Strawberry River Wildlife Management Area containing a blue ribbon trout fishery, acquired as CUP mitigation. Our management plan for this area states, *"the primary management objectives on this section of the middle Strawberry River are to provide the highest level of protection to the biological productivity and diversity of the riparian and aquatic ecosystem . . ."* and *"Construction of new roads would be prohibited, and all vehicular use would be limited to existing roads and designated parking areas."*

F4c

Should CUP mitigation properties be impacted, appropriate compensatory mitigation would be required and would be more complex than what otherwise might be the case since these properties are already providing mitigation for other Federal projects. Additional consultation with the U.S. Fish and Wildlife Service and the Utah Division of Wildlife Resources would be required pursuant to the Fish and Wildlife Coordination Act to identify appropriate compensatory mitigation.

The Mitigation Commission believes that the Bureau of Land Management has appropriately taken into consideration prior Federal planning efforts, multi-jurisdictional partnerships, commitments and expenditure of Federal funds that provide partial mitigation for CUP in your decision to select a Preferred Alternative not including segment COUT-A. The Mitigation Commission supports the Agency Preferred Alternative.

Specific comments

F4d

On page 4-252 and 4-253 the Mitigation Commission has inaccurately been identified as a Managing Agency for the Fountain Green and Salt Creek WMA's. While the Mitigation Commission provided funding for the construction of a fish hatchery at Fountain Green, the WMA's were acquired through Federal Aid sources other than CUP mitigation. The Mitigation Commission should be deleted as the managing entity.

We appreciate the opportunity to review and comment on the Draft EIS and to participate in the planning process as a Cooperating Agency. If you have any questions, please contact Mr. Richard Mingo at 801 524-3168 or rmingo@usbr.gov.

Sincerely,

Michael C. Weland

[i] Figure includes only the price of acquisition, and not related costs such as appraisals and administrative costs nor subsequent development and management costs.

[ii] There are significantly more UDWR lands in these management units that are bisected by COUT-A but are not CUP Mitigation Properties and are therefore not included in these totals. Nevertheless, these non-CUP UDWR properties and CUP mitigation properties are all managed as part of the same management unit.

Response(s)

Potential impacts on the Utah Reclamation Mitigation and Conservation Commission lands are discussed in Section 3.2.14 in the Final EIS. Potential impacts on riparian and aquatic ecosystems are discussed in Section 3.2.10.

F4b

A detailed access road plan will be developed in the POD for the Project. Construction of access roads will be coordinated with the applicable land-management agency and/or landowner to ensure existing roads are used first; and if new roads need to be constructed, it is done in accordance with the land-management agency.

See response to Comment F2fg.

As described in Section 2.5.1.2 of the EIS, after initial impacts were identified for each resource, measures to mitigate impacts for environmental protection (refer to Table 2-13) were applied to avoid, reduce, or minimize moderate or high impacts. This information is recorded for every alternative route and route variation considered in the EIS. Once an alternative route or route variation is selected, the Applicant would coordinate with the BLM and other land-management agencies or landowners, as appropriate, to refine the implementation of mitigation at specific locations or areas. For example, if a road closure was recommended, the Applicant would work with the applicable land-management agency or landowner to determine the specific method of road closure most appropriate for the site or area (e.g., barricading with a locking gate, obstructing access on the road using an earthen berm or boulders, revegetating the roadbed, or obliterating the road and returning it to its natural contour and vegetation). This detailed mitigation would be incorporated into the POD prior to Project construction. In other words, the selective mitigation measures applied during impact analysis and mitigation planning will be carried forward from the EIS and refined by resource surveys conducted for the selected route. Where substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation) and developed in coordination with cooperating agencies for the selected route.

F4c

Also, when applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation, to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the Project.

F4d

The clarification is noted and this error has been corrected in the Final EIS.

Comment(s)

Response(s)

F4 **Utah Reclamation Mitigation and Conservation Commission (cont.)**

Cc: Mr. Kerry Schwartz, U.S. Bureau of Reclamation
Ms. Betsy Hermann, U.S. Fish and Wildlife Service
Mr. Jason Vernon, Utah Division of Wildlife Resources

Comment(s)

Response(s)

F5 **Western Area Power Administration**

Department of Energy
Western Area Power Administration
P.O. Box 281213
Lakewood, CO 80228-8213

2014 MAY 22 AM 10:01
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DOI-BLM
CHEYENNE WYOMING

MAY 14 2014

Tamara Gertsch, National Program Manager
Bureau of Land Management
Energy Gateway South Transmission Project
P.O. Box 21150
Cheyenne, WY 82003

RE: Energy Gateway South Transmission Project

Dear Ms. Gertsch:

Western Area Power Administration (Western) has reviewed the materials posted on the web site for the proposed project. It appears there are Western-owned and -operated transmission lines and associated access routes that could be impacted by the proposed 500 kilovolt (kV) transmission line originating near Medicine Bow in south-central Wyoming and terminating near Mona in central Utah. Enclosed is a map series showing Western's facilities, including transmission lines, fixed site facilities and access, occurring in the States of Wyoming, Colorado, and Utah. Based on the locations of Western facilities in relation to one or more of the proposed routes being considered by the Bureau of Land Management for this new 500-kV transmission line, Western is offering the following comments.

Western as a Federal power marketing administration within the Department of Energy has responsibility for the reliable and safe delivery of electricity from Federal hydropower dams. This electricity is distributed in several western states including Wyoming, Colorado and Utah. The map provided at the web site for this project is at such a large scale that Western is unable to determine the exact location where the proposed 500-kV transmission line will intersect and cross over at least one or more of Western's transmission lines. It appears the crossings may occur in Township 24 North, Range 80 West, 6th Principal Meridian, Carbon County, Wyoming; Township 6 North and Ranges 96 and 97 West, Township 5 North, Ranges 97 and 98 West, Township 3 North, Ranges 100, 101, 103 and 104 West, 6th Principal Meridian, Moffat County, Colorado; and Township 6 South, Ranges 24 and 25 East, Salt Lake Meridian, Uintah County, Utah. In other areas, it appears the proposed and alternate routes for the new 500 kV transmission line are aligned to parallel Western's various transmission lines that travel the same direction.

Since it appears likely that the proposed 500-kV transmission line will intersect and cross Western facilities and/or share a right-of-way corridor, we offer the following in relation to safety and reliability. The new transmission line construction contractor will need to ensure that all electrical safety clearances are maintained during construction. Guidance for these clearances can be found in the Code of Federal Regulations (CFR) for the Occupational Safety and Health Administration at 29 CFR 1910.333 (c)(3). In addition, all vehicles, equipment, machinery,

F5a

Comment(s)

Response(s)

F5 **Western Area Power Administration (cont.)**

F5a cables, metallic pipe, fencing or other materials near Western's existing transmission line rights-of-way must be properly grounded. The contractor should not store materials in any of Western's transmission or distribution line rights-of-way to avoid static and induced electrical hazards. The use of a full time spotter is also recommended for all work near Western's powerlines.

The project proponent will be required to have a structural review and acceptance by Western if any excavation for the new structures comes within 100 feet of a Western transmission line tower foundation or the structure itself. Once the exact locations of the new transmission line crossings are determined, Western will prepare a license agreement to address safety and other provisions related to construction, operation and maintenance activities associated with the new 500-kV transmission line, and to ensure no activities will interfere or conflict with Western's transmission lines.

F5b Construction work will need to be coordinated with Western's operations center located in our Rocky Mountain Region (RMR) Office in Loveland, Colorado. Clearances and/or hot line orders should be considered. Contact Bill Marsh, RMR Safety Manager, at (970) 461-7449, Kurtis Mayer, Wyoming/Nebraska Division Director, at (307) 232-5200, and/or Will Schnyer, Western Colorado Maintenance Manager, (970) 240-6363, to coordinate the construction activities. Mr. Marsh will also arrange a required safety briefing with the contractor prior to any work near Western's transmission lines to ensure all workers and operators are aware of the dangers associated with construction near high voltage transmission lines. The contractor should notify Mr. Marsh at least two weeks prior to commencement of work near one of Western's facilities.

F5c Western requires continuous, uninterrupted access to its fixed sites and transmission line structures. This means the roads used to get personnel and equipment to Western's facilities cannot be restricted or impaired such that access is not possible. If a road or trail used by Western is blocked or damaged, an alternate route must be provided. Any road damage caused from activities associated with the new transmission line construction must be repaired by the proponent or its contractor

F5d In addition to issues related to access, Western wishes to caution the proponent and/or its contractor about any site preparation that requires removal of trees. If trees are designated for removal or are harvested within or adjacent to Western's transmission line rights-of-way, there is a potential risk that Western's power line could be damaged or a fire could result if a falling tree gets close to or contacts the conductor. Please ensure that any tree cutting activity in Wyoming for the new 500-kV transmission line construction is coordinated with Kurtis Mayer at (307) 232-5200. For crossings in Colorado or Utah, the contact is Will Schnyer at (970) 240-6363.

F5e Finally, Western may require the transmission line proponent to enter into a contractual agreement with Western to ensure the integrity of the Federal power system. More information about that can be provided after the final alignment for the 500-kV transmission line is determined and there is agreement about where the new transmission line will cross over Western's transmission lines.

F5a The information provided by Western Area Power Administration has been provided to the Applicant.

F5b See response to Comment F5a

F5c See response to Comment F5a.

F5d See response to Comment F5a.

F5e See response to Comment F5a.

Comment(s)

Response(s)

F5 **Western Area Power Administration (cont.)**

3

Western appreciates the opportunity to provide additional comments on the proposed Energy Gateway South Transmission Project. If you have any questions, please contact Ms. Susan Starcevich at (720) 962-7275 or starcevi@wapa.gov.

Sincerely,

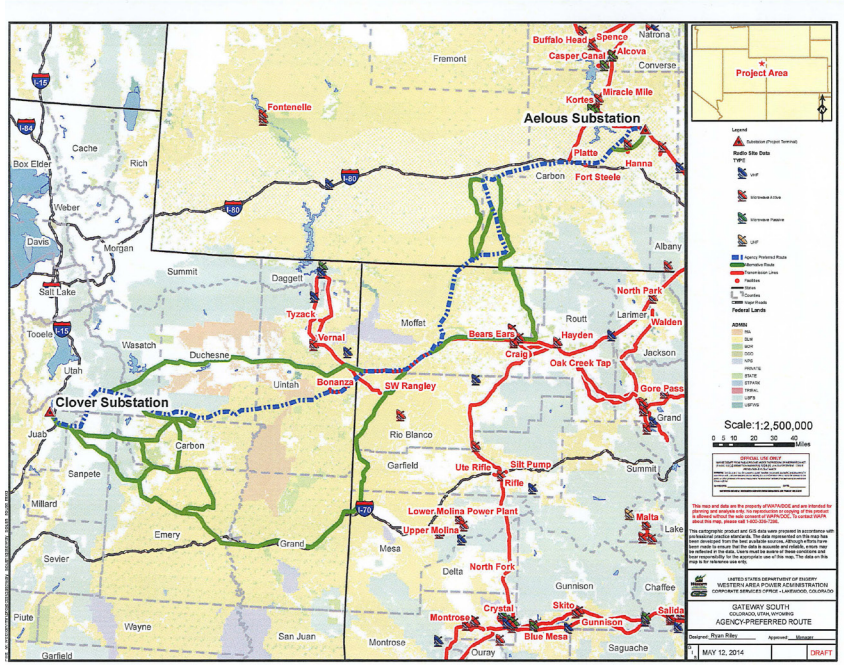
Steven W. Webber
Lands Team Lead

Enclosure

Comment(s)

Response(s)

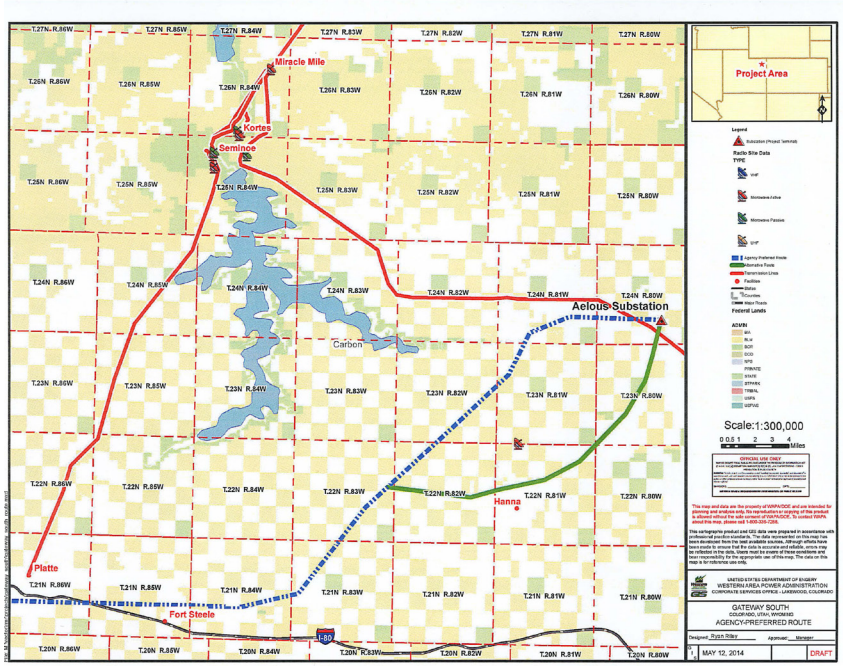
F5 | **Western Area Power Administration (cont.)**



Comment(s)

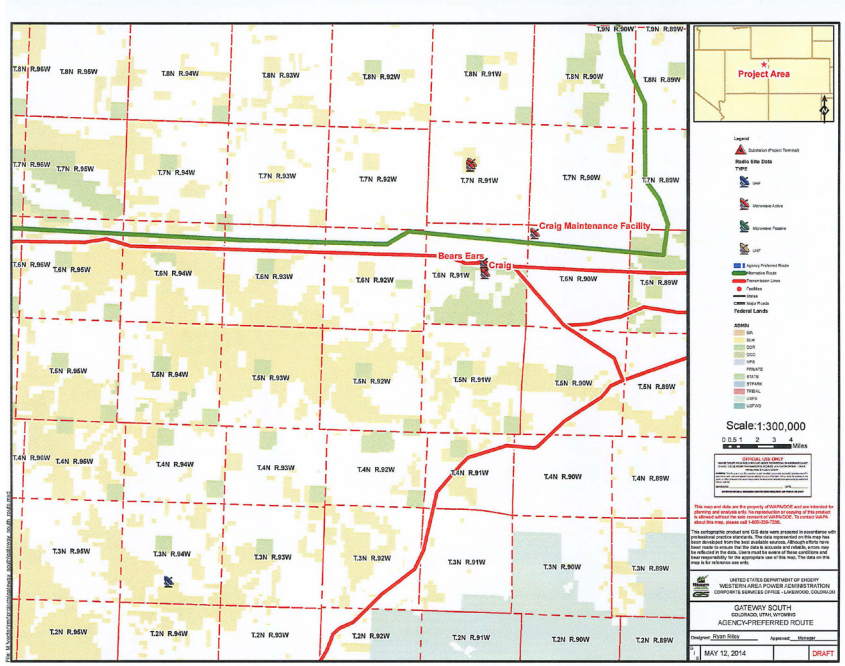
Response(s)

F5 | **Western Area Power Administration (cont.)**



Comment(s)

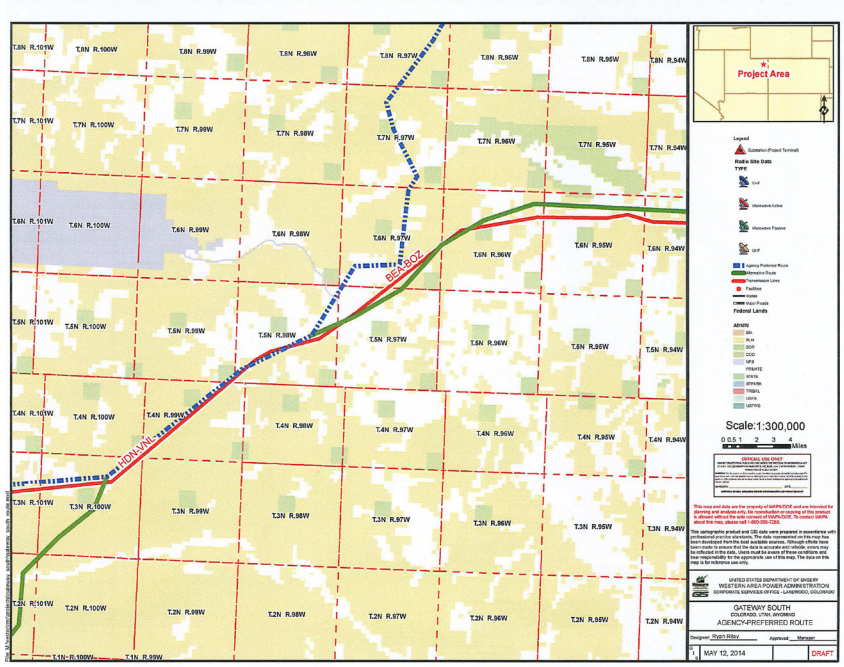
F5 | **Western Area Power Administration (cont.)**



Response(s)

Comment(s)

F5 | **Western Area Power Administration (cont.)**

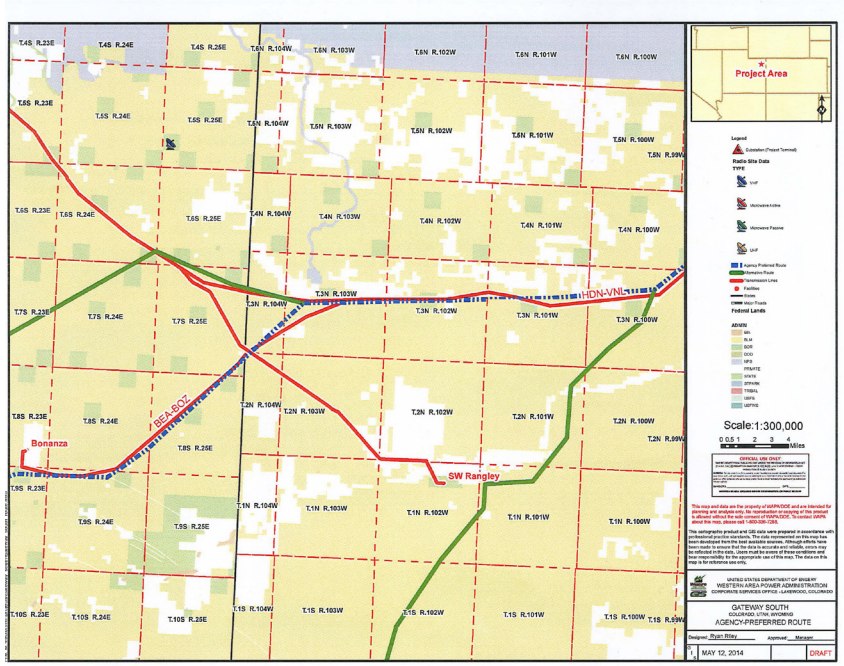


Response(s)

Comment(s)

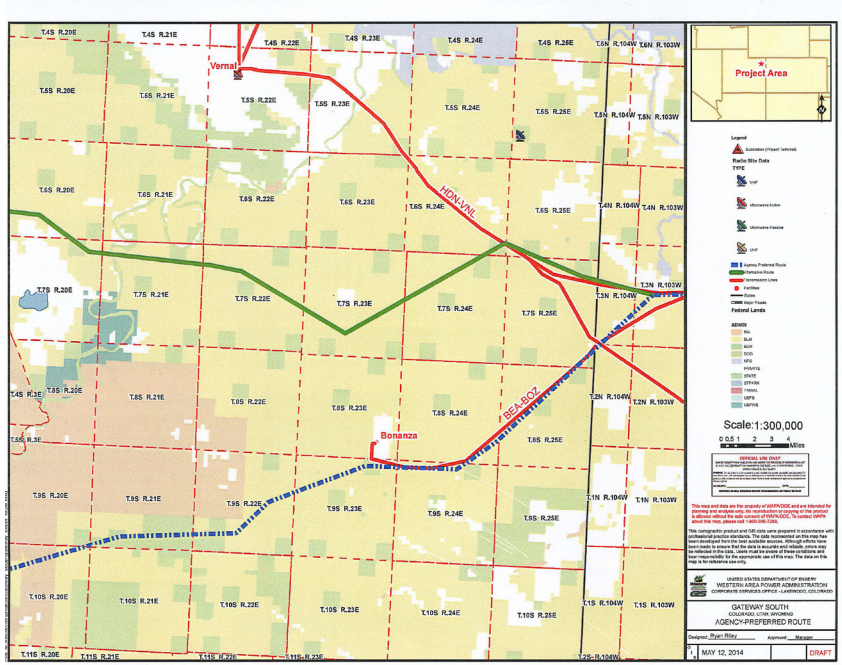
Response(s)

F5 | **Western Area Power Administration (cont.)**



Comment(s)

F5 | **Western Area Power Administration (cont.)**



Response(s)